

Honorable Richard Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REAL CHANGE, a Washington non-profit )  
corporation, SHARE, a Washington non- )  
profit corporation; WHEEL, an ) No. 2:12-cv-681  
unincorporated association; NICKELSVILLE, )  
an unincorporated association; TIM HARRIS, ) DECLARATION OF JEFF HODGES  
an individual; JARVIS CAPUCION; an )  
individual; and TRACEY DEGARMO, an )  
individual )  
Plaintiffs, )  
vs. )  
THE CITY OF SEATTLE and SEATTLE )  
PARKS AND RECREATION, a )  
Washington Municipal corporation; )  
CHRISTOPHER WILLIAMS, in his individual )  
and official capacity; JEFF HODGES, in his )  
individual and official capacity; )  
Defendants. )

JEFF HODGES, having been duly sworn upon oath, deposes and says that:

1. I am the Acting Manager for the Event Management Office for the City of Seattle  
Department of Parks and Recreation.

DECLARATION OF JEFF HODGES  
(2:12-cv-681) - 1

**PETER S. HOLMES**  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
(206) 684-8200


- 1       2. On April 3, 2012 I received an application for a use permit from Tim Harris requesting the  
2       24 hour use of Westlake Park on April 24-25, 2012, for a protest rally to include overnight  
3       camping. A true and correct copy of the April 3, 2012 letter and application from Tim  
4       Harris is attached as **Exhibit A**.
- 5       3. On April 9, 2012, I had a telephone conversation with Mr. Harris in which I informed him  
6       that we would issue him a permit to allow a rally from noon on April 24, 2012 to 10 pm,  
7       including the use of amplified sound, and from 6:00 am to noon on April 25, 2012, but that  
8       we would not be allowing overnight camping in accordance with the Department's  
9       established practice.
- 10      4. On April 12, 2012, I was forwarded a written request for an appeal from Tim Harris. A true  
11      and correct copy of the request is attached as **Exhibit B**.
- 12      5. On April 19, 2012, I received a new application for a use permit from Tim Harris. a true  
13      and correct copy of the new application is attached as **Exhibit C**.
- 14      6. On April 20, 2012, I issued a use permit for the April 24-25, 2012 event at Westlake Park to  
15      Mr. Harris. A true and correct copy of the permit is attached hereto as **Exhibit D**.
- 16      7. In processing an application for a use permit, I and the Department are guided by the  
17      statements contained in the application guidelines. A true and correct copy of the  
18      application guidelines is attached as **Exhibit E**.
- 19      8. In addition, the Parks Department has promulgated numerous rules including rules regarding  
20      the making of rules, and the issuance of use permits. True and correct copies of these rules  
21      available at the City Clerk's Office, are attached as **Exhibits F and G**.
- 22      9. Attached as **Exhibit H**, is a true and correct copy of a letter dated December 21, 2011 from  
23      myself to Chaim Elijah.

DECLARATION OF JEFF HODGES  
(2:12-cv-681) - 2

**PETER S. HOLMES**  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
(206) 684-8200

1 10. I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 EXECUTED THIS 20<sup>TH</sup> day of March, 2012 at Seattle, Washington.

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6 JEFF HODGES

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DECLARATION OF JEFF HODGES  
(2:12-cv-681) - 3

**PETER S. HOLMES**  
Seattle City Attorney  
600 Fourth Avenue, 4th Floor  
P.O. Box 94769  
Seattle, WA 98124-4769  
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# **EXHIBIT A**



Board of Directors  
*President*  
David Bloom

Jeremy Buzzard  
Anitra Freeman  
Scott Hayman  
Pamela Kliment  
David McCracken  
Kimberly Mustafa  
Teresa Reeves

*Executive Director*  
Timothy Harris

Jeff Hodges  
Citywide Events Office  
7201 E. Green Lake Dr. N.  
Seattle WA, 98115  
via email: [jeff.hodges@seattle.gov](mailto:jeff.hodges@seattle.gov)

April 3, 2012

Hello,

Please accept this cover letter as part of the completed Application for Use Permit, being submitted on behalf of Real Change to present a constitutionally protected free speech event in Westlake Park, from Noon - Tuesday, April 24, 2012 continually through Noon - Wednesday, April 25, 2012.

The event will be used to draw attention to the issue of homelessness in our community and to put a human face to an issue many wish to ignore or otherwise pretend does not exist. Participants will be exercising their first amendment rights of speech, assembly and petitioning our government for a redress of grievances.

In reviewing other permits issued by your office and in light of the constitutionally protected free speech nature of this event, we seek relief from the administrative fee identified in the application, as well as the charge for opening the cover plate and turning on the electrical power available in the base of the arch at the north end of the park near Pine St. The power draw will be minimal, but is essential for the safe execution of our event.

Please let me know if there are any issues or if you have further questions.

Thank you,

Timothy Harris,  
Founding Director, Real Change

**REAL CHANGE**

219 First Avenue South • Suite 220 • Seattle, Washington 98104  
T: 206.441.3247 • F: 206.956.9472 • [WWW.REALCHANGENEWS.ORG](http://WWW.REALCHANGENEWS.ORG)



# Application for Use Permit

FOR OFFICE USE ONLY: RENTAL # \_\_\_\_\_

## APPLICANT INFORMATION

1. Applicant/Agent Name:	REAL CHANGE, SHARE/WHEEL, Nickelsville		
2. Organization Represented by Applicant:	REAL CHANGE Agent Name: Tim Harris		
3. Organization Web Site:	www.realchangenews.org		
4. Mailing Address:	219 1st Ave. S., Ste 220		
	City: Seattle	State: WA	Zip: 98104
5. Agent Phone and Contact Information:	Day Phone: 441-3247 x202 FAX: 956-9472		
	Cell Phone: 206-919-1386		
	Email: director@realchangenews.org		
6. Event Contact Person (if other than agent). Please print name below:	Day Phone: FAX:		
	Cell Phone:		
	Email:		

## EVENT OPERATIONS

7. Official Name of Event:	OCCUPY CEH KC
8. Name of event in previous years:	NA
9. Describe in detail the nature of the event:	24-hour protest encampment. Noon, Apr 24, set up for visibility and leafletting. 5:30pm rally. overnight protest encampment. 5/25, 7:30am march to CEH KC Gov. Bldg. set up WCA opp. Place. 9:30 AM waste dept. set, decamp at noon.
10. Is the event <input type="checkbox"/> Private or <input checked="" type="checkbox"/> Public? (please select a checkbox after reading the description to the right)	A private event is one in which you have a specified guest list and know who is attending; a public event is one to which the general public is invited through word-of-mouth, flyers, or media advertising.
11. Anticipated Maximum Attendance:	150
12. Name of Park:	Westlake Park
13. Location of the Event: (If information exceeds space available, please attach a separate sheet and label the attachment.)	Entire park, with most activity at North end toward arch.
14. Event Set Up Date/Time:	Noon. Apr 24 (Date & time when first equipment is set up, i.e., portaloets and tents)
15. Event Date(s) and Hours of Operation:	Noon - noon, Apr. 24-25
16. Event Break Down Completion Date/Time:	Noon, Apr. 25. (Date & time when all equipment is removed, i.e., portaloets and tents)

## Application for Use Permit

### EVENT COMPONENTS

Please check all items below that apply to your event and provide details below.  
Attach a separate sheet with additional details if needed.

<input checked="" type="checkbox"/> Amplified Sound — Hours <u>5pm</u> to <u>7:30pm</u> <input type="checkbox"/> Booths — Qty: _____ <input type="checkbox"/> Commercial Advertising/ Banners — Qty: _____ <input type="checkbox"/> Cooking — <input type="checkbox"/> Charcoal <input type="checkbox"/> Propane <input type="checkbox"/> Stage — Qty: _____ Size: _____ <input checked="" type="checkbox"/> Tents/Canopies — Qty: <u>40</u> Size: <u>20x20, 10x10, person</u> <input type="checkbox"/> Vehicles — Qty: _____	<input type="checkbox"/> *Alcohol <input type="checkbox"/> Bicycling <input type="checkbox"/> Boat Racing <input type="checkbox"/> Concert/Live Music <input type="checkbox"/> Commercial Photography <input type="checkbox"/> Dance or Drama <input checked="" type="checkbox"/> Requesting Electricity? <input type="checkbox"/> Exhibits or Displays <input checked="" type="checkbox"/> Food or Beverage Distribution (Free) <input type="checkbox"/> Generator, Providing Own <input type="checkbox"/> Inflatable (bounce)	<input type="checkbox"/> Picnic Shelters <input checked="" type="checkbox"/> Portolets — Qty: <u>2</u> <input type="checkbox"/> Public Address (PA) System <input type="checkbox"/> Race (Timed Event) <input checked="" type="checkbox"/> Rally/Protest <input type="checkbox"/> Run/Walk Event <input type="checkbox"/> Sales—Food or Beverage <input type="checkbox"/> Sales—Merchandise or Services <input type="checkbox"/> Sporting Event <input type="checkbox"/> Theatrical Performance <input type="checkbox"/> Wedding Reception
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#### \*Alcohol

Please Note: Alcoholic beverages cannot be sold, distributed, or consumed in any outdoor City park per SMC 12A.24.025.

OTHER (Please provide details here and include items not on the checklist above):

### SITE PLAN REQUIREMENTS

You must attach a clear and legible site plan or map with the following indicated:

1. North, indicated by a directional arrow symbol.
2. Name of the Park facility and that of surrounding streets with one-way streets indicated.
3. The overall Event Area (include parking if appropriate) required within the confines of the Park.
4. The location of all physical equipment being placed, including, but not limited to, any stage(s), vendors, booths, sponsors, tents, signs, barricades, portolets, vehicles, and shelters and shelter numbers.
5. Any other details you think are helpful.
6. Electrical plans for vendors and stages.

### INSURANCE REQUIREMENTS

You are required to have liability insurance. Do you or your group have liability insurance that would cover such an event? Please see "Insurance" section in Park Use Brochure for additional details. *N/A Constitutionally protected free speech event.*

☐ NO   ☐ YES   If yes, please provide the name of the insurance company:

The City of Seattle must be named as an additional insured in any and all policies. The amount of liability coverage will be determined by the applicant's activities as detailed in this application form. Insurance must be evidenced on an Acord 25 form and submitted 2 weeks before your event setup date for review.

## Application for Use Permit

## EVENT INFORMATION

17. Do you or your vendor participants plan to sell any items (food, beverages, products, crafts, materials, etc.) at this event? ☒ NO ☐ YES (If yes, please specify how this will be accomplished.):

18. Will there be any registration or admission fees collected at this event?  
☒ NO ☐ YES (If yes, please explain what the charges will be.):

19. What type of advertising/promotion do you intend to use? Describe: *fliers, internet, word of mouth.*

20. By signing this document, I take full responsibility for every participant of the event. I have read and agree to the terms and conditions outlined in this brochure, and I will follow the rules and requirements for conducting my event. I am aware that this application is a public document that may be inspected or copied.\*  
 \*If you believe any part of this document contains information that is exempt from disclosure, please notify our office in writing at the address below.

Applicant Signature or use electronic signature checking box.

Date

*3/3/12*

RETURN ALL COMPLETED APPLICATIONS TO:

IF YOU HAVE ADDITIONAL QUESTIONS:

Citywide Events Office, Attn: Jeff Hodges  
 7201 E. Green Lake Drive N.  
 Seattle, WA 98115

Or FAX applications to: 206-684-4853

Phone: 206-684-4080

E-mail: jeff.hodges@seattle.gov

Web: [www.seattle.gov/parks/reservations/permits.htm](http://www.seattle.gov/parks/reservations/permits.htm)

## METHOD OF PAYMENT

☐ Visa

☐ MasterCard

☐ American Express

☐ Check Enclosed

Name on Card:

Card Number:

Exp. Date:

Signature:





# **EXHIBIT B**



Parks and Recreation  
Superintendent Christopher Williams  
100 Dexter Ave. N,  
Seattle, WA 98109-5199  
By e-mail: [christopher.williams@seattle.gov](mailto:christopher.williams@seattle.gov)

April 12, 2012

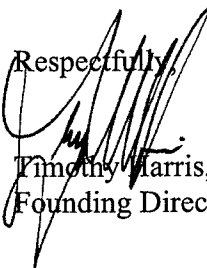
Re: Parks Permit Application  
Applicant: Real Change, Share/Wheel, Nickelsville  
Name of Event: Occupy the Committee to End Homelessness in King County  
Date of Event: 12 p.m., April 24 to 12 p.m., April 25, 2012  
Date of Application: April 3, 2012

Dear Superintendent Williams,

Pursuant to the appeals process listed in the Parks Permit Application and SMC 18.12.040, please consider this letter a formal appeal in regard to the above specified permit.

As background, this permit was submitted by Real Change, Share/Wheel, and Nickelsville for a 24-hour time period from noon April 24 to noon April 25. The application also requested the Department waive all fees associated with the permit and application. We were instructed that the permit would be denied in its current form. Participants at the Occupy CEHKC event will be engaged in political speech and conduct throughout the 24-hour period in Westlake Park and their actions are therefore protected by the First Amendment to the U.S. Constitution and Article I, section 5 of the Washington State Constitution. The denial of this permit does not respect these rights.

In light of the proximity of the event, and the constitutional issues involved we request the permit be granted as requested without modification and a final decision be communicated by noon on Monday, April 16, 2012.

Respectfully,  
  
Timothy Harris,  
Founding Director, Real Change

**REAL CHANGE**

219 First Avenue South • Suite 220 • Seattle, Washington 98104  
T: 206.441.3247 • F: 206.956.9472 • [WWW.REALCHANGENEWS.ORG](http://WWW.REALCHANGENEWS.ORG)



# **EXHIBIT C**



Board of Directors

President

David Bloom

Jeremy Buzzard

Anitra Freeman

Scott Hayman

Pamela Kliment

David McCracken

Kimberly Mustafa

Teresa Reeves

Executive Director

Timothy Harris

Jeff Hodges

Citywide Events Office

7201 E. Green Lake Dr. N.

Seattle WA, 98115

via email: [jeff.hodges@seattle.gov](mailto:jeff.hodges@seattle.gov)

April 19, 2012

Hello,

Please accept this cover letter as part of the completed Application for Use Permit, being submitted on behalf of Real Change to present a constitutionally protected free speech event in Westlake Park, from Noon - Tuesday, April 24, 2012 to 10 pm., and resuming at 6 am Wednesday, April 25, 2012.

The event will be used to draw attention to the issue of homelessness in our community and to put a human face to an issue many wish to ignore or otherwise pretend does not exist. Participants will be exercising their first amendment rights of speech, assembly and petitioning our government for a redress of grievances.

This permit has been amended in response to the April 26<sup>th</sup> communication from Acting Parks Superintendant Christopher Williams rejecting our original application, and has been modified under protest to meet the requirements specified therein.

Please let me know if there are any issues or if you have further questions.

Thank you,

Timothy Harris,

Founding Director, Real Change

**REAL CHANGE**

219 First Avenue South • Suite 220 • Seattle, Washington 98104

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# Application for Use Permit

FOR OFFICE USE ONLY: RENTAL # \_\_\_\_\_

## APPLICANT INFORMATION

1. Applicant/Agent Name:	Real Change, SHARE, WHEEL, Nickelsville		
2. Organization Represented by Applicant:	Timothy Harris		
3. Organization Web Site:	www.realchangeews.org		
4. Mailing Address:	219 1st Ave S. Ste 220		
	City: Seattle	State: WA	Zip: 98104
5. Agent Phone and Contact Information:	Day Phone: 411-3247 x202		FAX: 956 9472
	Cell Phone: 206-919-1386		
	Email: director@realchangeews.org		
6. Event Contact Person (if other than agent). Please print name below:	Day Phone:	FAX:	
	Cell Phone:		
	Email:		

## EVENT OPERATIONS

7. Official Name of Event:	Occupy CE#KC
8. Name of event in previous years:	Not applicable
9. Describe in detail the nature of the event:	Protest/rally Norm, Apr 24: leafletting + visibility, 5:30pm rally, 7pm meal 8pm discussion 6AM, Apr 25, visibility, 7:30AM March to City Hall. 10AM Mtg Westlake
10. Is the event <input type="checkbox"/> Private or <input checked="" type="checkbox"/> Public? (please select a checkbox after reading the description to the right)	A private event is one in which you have a specified guest list and know who is attending; a public event is one to which the general public is invited through word-of-mouth, flyers, or media advertising.
11. Anticipated Maximum Attendance:	150
12. Name of Park:	Westlake Park
13. Location of the Event: (If information exceeds space available, please attach a separate sheet and label the attachment.)	Entire park, with most activity toward North end toward arch.
14. Event Set Up Date/Time:	Norm, Apr 24 (Date & time when first equipment is set up, i.e., portolets and tents)
15. Event Date(s) and Hours of Operation:	Norm Apr 24-10pm / 6AM Apr 25 - norm
16. Event Break Down Completion Date/Time:	Norm, Apr 25 (Date & time when all equipment is removed, i.e., portolets and tents)

## Application for Use Permit

### EVENT COMPONENTS

Please check all items below that apply to your event and provide details below.  
Attach a separate sheet with additional details if needed.

<input checked="" type="checkbox"/> Amplified Sound — Hours <u>5</u> to <u>7:30</u> <input type="checkbox"/> Booths — Qty: _____ <input type="checkbox"/> Commercial Advertising/ Banners — Qty: _____ <input type="checkbox"/> Cooking — <input type="checkbox"/> Charcoal <input type="checkbox"/> Propane <input type="checkbox"/> Stage — Qty: _____ Size: _____ <input checked="" type="checkbox"/> Tents/Canopies — Qty: <u>6</u> Size: <u>2 10 x 10 w/ personnel</u> <input type="checkbox"/> Vehicles — Qty: _____	<input type="checkbox"/> *Alcohol <input type="checkbox"/> Bicycling <input type="checkbox"/> Boat Racing <input type="checkbox"/> Concert/Live Music <input type="checkbox"/> Commercial Photography <input type="checkbox"/> Dance or Drama <input checked="" type="checkbox"/> Requesting Electricity? <input type="checkbox"/> Exhibits or Displays <input type="checkbox"/> Food or Beverage Distribution (Free) <input type="checkbox"/> Generator, Providing Own <input type="checkbox"/> Inflatable (bounce)	<input type="checkbox"/> Picnic Shelters <input checked="" type="checkbox"/> Portolets — Qty: <u>2</u> <input type="checkbox"/> Public Address (PA) System <input type="checkbox"/> Race (Timed Event) <input checked="" type="checkbox"/> Rally/Protest <input type="checkbox"/> Run/Walk Event <input type="checkbox"/> Sales—Food or Beverage <input type="checkbox"/> Sales—Merchandise or Services <input type="checkbox"/> Sporting Event <input type="checkbox"/> Theatrical Performance <input type="checkbox"/> Wedding Reception
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#### \*Alcohol

Please Note: Alcoholic beverages cannot be sold, distributed, or consumed in any outdoor City park per SMC 12A.24.025.

OTHER (Please provide details here and include items not on the checklist above):

### SITE PLAN REQUIREMENTS

You must attach a clear and legible site plan or map with the following indicated:

1. North, indicated by a directional arrow symbol.
2. Name of the Park facility and that of surrounding streets with one-way streets indicated.
3. The overall Event Area (include parking if appropriate) required within the confines of the Park.
4. The location of all physical equipment being placed, including, but not limited to, any stage(s), vendors, booths, sponsors, tents, signs, barricades, portolets, vehicles, and shelters and shelter numbers.
5. Any other details you think are helpful.
6. Electrical plans for vendors and stages.

### INSURANCE REQUIREMENTS

You are required to have liability insurance. Do you or your group have liability insurance that would cover such an event? Please see "Insurance" section in Park Use Brochure for additional details.

☐ NO   ☐ YES   If yes, please provide the name of the insurance company:

*NA - constitutionally protected free speech event*

The City of Seattle must be named as an additional insured in any and all policies. The amount of liability coverage will be determined by the applicant's activities as detailed in this application form. Insurance must be evidenced on an Acord 25 form and submitted 2 weeks before your event setup date for review.



## Application for Use Permit

## EVENT INFORMATION

17. Do you or your vendor participants plan to sell any items (food, beverages, products, crafts, materials, etc.) at this event? ☒ NO ☐ YES (If yes, please specify how this will be accomplished.):

18. Will there be any registration or admission fees collected at this event? ☒ NO ☐ YES (If yes, please explain what the charges will be.):

19. What type of advertising/promotion do you intend to use? Describe: *Internet, flyers, word of mouth*

20. By signing this document, I take full responsibility for every participant of the event. I have read and agree to the terms and conditions outlined in this brochure, and I will follow the rules and requirements for conducting my event. I am aware that this application is a public document that may be inspected or copied.\*  
\*If you believe any part of this document contains information that is exempt from disclosure, please notify our office in writing at the address below.

Applicant Signature or use electronic signature checking box.

Date

RETURN ALL COMPLETED APPLICATIONS TO:

IF YOU HAVE ADDITIONAL QUESTIONS:

Citywide Events Office, Attn: Jeff Hodges  
7201 E. Green Lake Drive N.  
Seattle, WA 98115

Phone: 206-684-4080

E-mail: jeff.hodges@seattle.gov

Web: [www.seattle.gov/parks/reservations/permits.htm](http://www.seattle.gov/parks/reservations/permits.htm)

Or FAX applications to: 206-684-4853

## METHOD OF PAYMENT

☒ Visa

☐ MasterCard

☐ American Express

☐ Check Enclosed

Name on Card:

*Timothy Harris Real Change HEP*

Card Number:

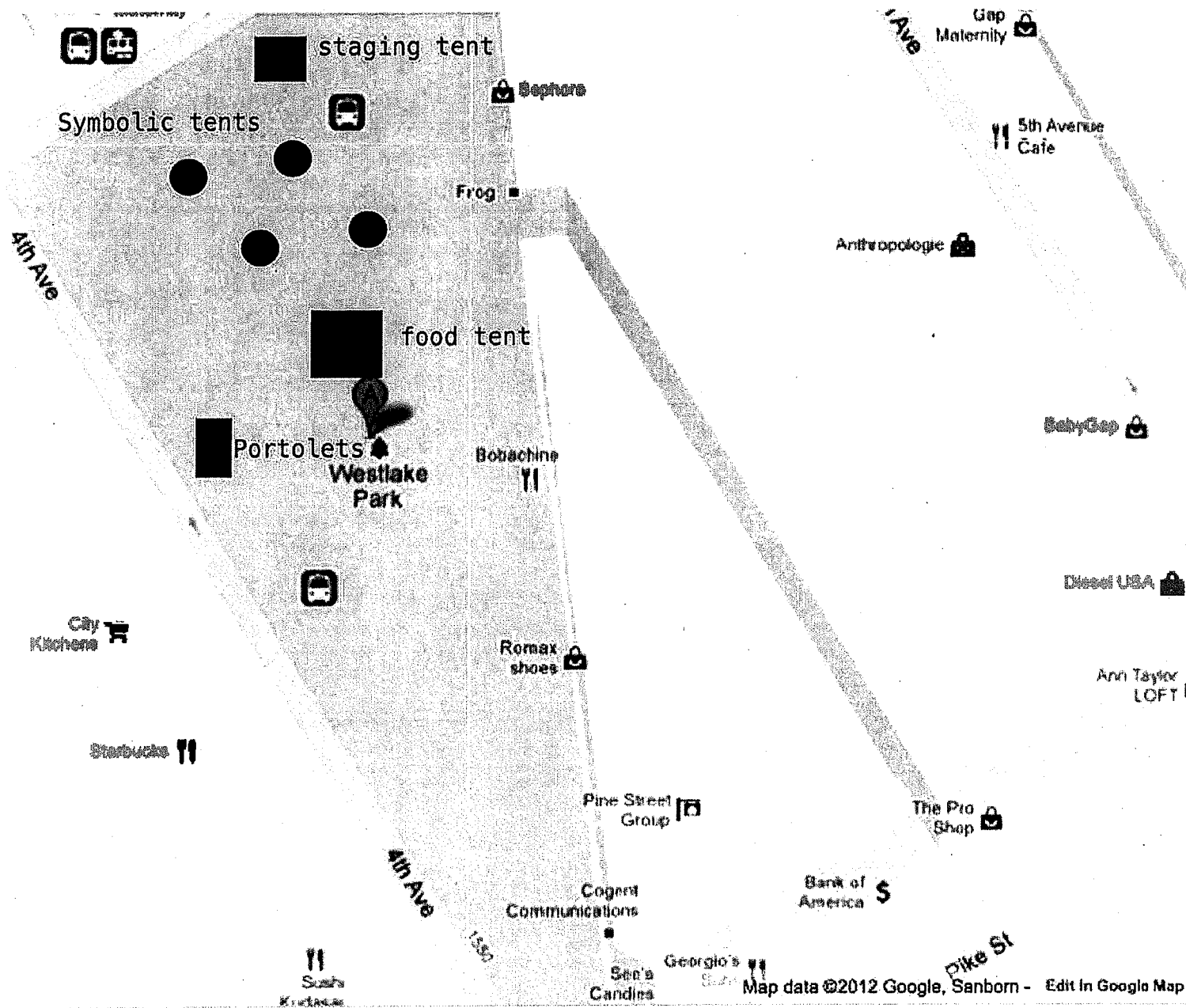
*4798 5312 0765 7505*

Exp. Date:

*12/12*

Signature:

*[Handwritten Signature]*





Seattle Parks and Recreation - Event Management Office  
7201 E. Green Lake Drive N.  
Seattle, WA 98115  
(206) 684-4080

Printed: 20-Apr-12, 10:37 AM  
User: hodgej

## PARK USE PERMIT



### EMERGENCY CONTACTS:

- Event Management Office(M-F 8:00A-4:00P): (206) 684-4080
- Parks Duty Officer (7 days, after 5:30P): Contact Kelly's Communications (206) 467-3005
- Parks Security Unit (7 days): (206) 684-7088 or (206) 684-4187

Tim Harris  
Real Change  
219 1st AVE S  
Seattle WA 98104

(206) 441-3247 ()

Rental #: 230991 - Real Change  
Date: 19-Apr-12

User: HodgesJ  
Status: Firm

#### i) Payment Summary:

Rental Fees	Extra Fees	Tax	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$125.00	\$0.00	\$125.00	\$0.00	\$125.00	\$0.00	\$0.00

#### ii) Purpose of Use

ES Special Event  
Occupy CEHKC Rally/Protest

#### iii) Conditions of Use

- There are NO REFUNDS for special event fees.
- The Park Code (SMC 18.12) establishes requirements for use including the prohibiting of the consumption of alcoholic beverages in all City parks.
- The park is open to the public at all times during normal park operating hours; no park may be closed to public access during a special event.
- The "How to Schedule a Special Event" brochure (revised 2005) provides specific information and requirements regarding your reservation and use of the park.
- 10% of gross sales/admissions/registrations generated on Parks property may be required as part of this permit. Please refer for Attachment I for details and deadlines.
- Final payment, based on gross revenues (above) during the event, is due within 10 business days.
- User must retain a copy of this permit and all attachments on the premises throughout the scheduled event. This permit is required for any enforcement of your reservation.
- If included with your reservation, Shelter and Table Reservation signs are included with this permit. To avoid possible delay in use, special event organizers are encouraged to post these at the site, as early as possible on the day of the event.
- See "Attachment I - Supplemental Provisions".
- See "Attachment II - General Terms and Conditions".

#### iv) Date and Times of Use

# of Bookings: 2

Starting: Tue 24 Apr 12 12:00 PM  
Ending: Wed 25 Apr 12 12:00 PM

Expected: 150

Facility	Day	Start Date	Start Time	End Date	End Time
Westlake Park - Westlake Park - North	Tue	24-Apr-12	12:00 PM	24-Apr-12	10:00 PM
Westlake Park - Westlake Park - North	Wed	25-Apr-12	06:00 AM	25-Apr-12	12:00 PM

#### v) Special Equipment Permitted

Special conditions of use and proof of insurance are required for all permitted items indicated below.

Your Specific Reservation Details	Answer
# Chemical Toilets	02
# Dumpsters	0
Money Collected?	No
Amplified Sound?	Yes
SpecialEquip/Bouncer	No

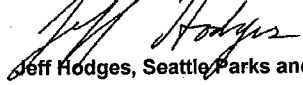
Printed: 20-Apr-12, 10:37 AM  
User: hodesj

**PARK USE PERMIT**

Rental #: 230991 - Real Change  
Date: 19-Apr-12

User: HodgesJ  
Status: Firm

Use is permitted as outlined herein. Site conditions may change without notice.

X:   
Jeff Hodges, Seattle Parks and Recreation

Date: 20-Apr-12

I have read and agree to the terms and conditions outlined in this Special Event Permit.

X: \_\_\_\_\_ Date: \_\_\_\_\_

# **EXHIBIT D**

**Park Use Permit Attachment I & II #230991**

**Occupy CEHKC**

**Westlake Park, North End**

**4/24/12 – 12:00PM to 10:00PM**

**4/25/12 – 6:00AM to 12:00PM**

**Timothy Harris**

**Attachment I:**

**Supplemental Provisions**

1. **Permission is Granted to:** *Conduct a protest/rally to draw attention to the issue of homelessness using the North End of Westlake Park.*
  - *This permit is granted for an event taking place on April 24th, 2012 from 12:00 PM to 10:00 PM and April 25<sup>th</sup>, 2012 from 6:00 AM to 12:00 PM. Approved setup for the event on April 24<sup>th</sup> may begin at 12:00 PM. All equipment must be broken down and out of the park by 10:00 PM with the exception of four (4) symbolic camping tents and two (2) portolets which must be unoccupied and properly secured during closed hours of the park. All approved equipment listed below must be removed from the park on April 25<sup>th</sup>, 2012 by 12:00 PM.*
  - *Westlake Park is closed from 10:00 PM to 6:00 AM daily. Camping is not permitted in Westlake Park.*
  - *Amplified sound is permitted for this event from 5:00 PM to 7:30 PM on April 24<sup>th</sup>, 2012 only.*
  - *Permittee must comply with noise ordinance listed below.*
  - *Approved setup is allowed to include: Up to Two (2) 10x10 Canopies, Up to Four (4) Personal Camping Tents, Two (2) Portolets, Information Tables, and Sound Equipment.*
  - *No other tables, tents of any kind, or any structures are allowed.*
  - *Tying or affixing any materials to structures or trees within the park is not permitted.*
  - *Food and beverages may not be distributed to event participants.*
  - *Structures in the park may not be used as a table surface for serving food, distributing information, or providing First-Aid.*
  - *Any garbage generated by this event is the responsibility of the permit holder and must be disposed of outside the park.*

**FEES & CHARGES**

2. **Payments:** Permittee agrees to pay the following fees. Checks should be made payable to **City of Seattle** and sent to Seattle Parks and Recreation, Event Management Office, 7201 E. Green Lake Dr. N. Seattle, WA. 98115.

*\$50.00 Park Use Application Fee – 1<sup>st</sup> Amendment Event - PD*

*\$75.00 Utility Hook-Up Fee - PD*

3. **Any Sales including Entry or Admission Fees, Service charges, or Suggested Donation amounts:** Permittee shall pay the Department 10% of the gross receipts from any and all monies collected on Parks property. Checks should be made payable to **City of Seattle** and sent to the Seattle Parks and Recreation, Event Management Office, 7201 E. Green Lake Dr. N. Seattle, WA. 98115. Permittee must submit a

**Park Use Permit Attachment I & II #230991**

**Occupy CEHKC**

**Westlake Park, North End**

**4/24/12 – 12:00PM to 10:00PM**

**4/25/12 – 6:00AM to 12:00PM**

**Timothy Harris**

financial statement that clearly lists all income, expenses and the total amount of monies received from the event. The statement and fees are due to the Department within 10 business days following the event.

**OTHER PROVISIONS:**

**4. Food & Sales:** unless listed in above "*Permission is Granted to*":

- Permittee may not give away any food or beverage items.
- This permit authorizes NO SALES of any items. Permittee may give away non-food and beverage items (e.g., sports schedules, CD's, posters, arts & crafts, & t-shirts).
- Permittee may have information in the park to distribute free literature concerning its programs.

**5. Canopies/Tents (Permission to setup canopies/tents must be listed in the above "*Permission is Granted to*" section:** If approved above, Permittee may set up a free-weighted tent structure (with 2 or more walls) no larger than 200 square feet (20 x 10) or a canopy (with no walls) up to 400 square feet (20 x 20) without a separate Fire Department permit if listed above. If the structure exceeds this size, it is the Permittee's responsibility to obtain the proper permits through the Fire Department.

**6. Alcohol:**

- Alcoholic beverages cannot be kept, sold, served or consumed in public places (RCW 66.04-010). This includes areas such as parks, parking lots and streets, or private automobiles in said places.

**7. Sound:**

- Amplified sound is NOT authorized in the park under the terms of this permit unless listed under "*Permission is Granted to*" above. It is unlawful to use any public address system, loudspeaker or other sound-amplifying device in any park unless authorized by permit.
- If amplified music has been approved, Permittee must be in compliance with the Seattle noise ordinance, SMC 25.08.520 (copies available upon request).
  - No amplified sound prior to 9:00 am and after 10:00 pm in any park.

**8. Equipment Set Up:** All equipment such as canopies and tents should be free-weighted and not staked into the ground.

- Any set up requiring to be staked into the ground must be listed as pre-approved in "*Permission is Granted to*" above. All proposed staking must be done with written approval and in the presence of authorized personnel.
- Environmental conditions affect placement of all set up on the turf. Condition of turf, weather, size and type of set up are factors in Seattle parks determining placement (if allowed) on turf areas.
- Permittee must provide surface protection, such as plywood boards, under booths or other large set up placed on the turf or plastic tarps under food booths which may stain paving surfaces. Removal of stains and area clean up are the responsibility of



**Park Use Permit Attachment I & II #230991**

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**Westlake Park, North End**

**4/24/12 – 12:00PM to 10:00PM**

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**Timothy Harris**

the Event Sponsor. Cost incurred by the Seattle Parks for any damage done by the event will be billed to the Sponsor.

**VEHICLE ACCESS, SECURITY, & PUBLIC SAFETY**

**9. Motorized Vehicles:**

- According to Seattle Municipal Code, other than City owned vehicles, **NO residential vehicles** or trailers are authorized to drive or park within the park boundaries at any time unless specifically allowed in "*Permission is Granted to*" above.
- If Permittee has the approval to temporarily load and unload equipment in the park, vehicles must remain in the park no longer than 15 minutes, must remain on paved paths/roads only and must not exceed a speed limit of 5 mph.
- No vehicles will be permitted to park within park boundaries or drive on the turf at any time.
- All vehicles must be parked legally in public parking spaces.

**10. Security on Site:**

- Permittee agrees to abide by any requests by staff at the park in the performance of their duties.
- A single Lead Person must be identified to speak for the group that will be available on site during the event. **The lead person must have a copy of the permit with them at the park on the day of their event in order to render enforcement of this permit.**

**11. Public Access:**

- All parks are open to the public at all times. No exclusive use is allowed.
- **Permittee may not close off, rope off or partition any part of the park at any time;** All park pathways, walkways, stairwells and access ways must remain open all times. **Do not block off public access.**

**12. Banners/Signs:** All commercial advertising must be approved in writing in advance of the actual event. Banners or signs may not be attached to trees, benches, or bushes under the terms of this permit.

**Damage Mitigation**

- A. Damage to turf, trees, shrub beds, hard surfaces or buildings caused during the event will be charged to the Permittee. All damage must be repaired to Seattle Parks and Recreation standards. It is the responsibility of the event sponsors to pay for any and all damage caused by the event. Cost incurred by the Seattle Parks for repairing damage to turf, trees or plant materials will be billed to the Permittee.
- B. Temporary fencing of some park trees, shrub beds, planters and flower planting may be required. Seattle Parks staff will determine areas that must be fenced (if any).

**Garbage Handling**

- C. Permittee agrees to police the area and pick up all litter and debris generated by the event and its participants.

**Recycling**

- D. Recycling is now required at many events by state law. RCW 70.93.093 reads:



**Park Use Permit Attachment I & II #230991**

**Occupy CEHKC**

**Westlake Park, North End**

**4/24/12 – 12:00PM to 10:00PM**

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**Timothy Harris**

*In communities where there is an established curbside service and where recycling service is available to businesses, a recycling program must be provided at every official gathering and at every sports facility by the vendors who sell beverages in single-use aluminum, glass, or plastic bottles or cans. A recycling program includes provision of receptacles or reverse vending machines, and provisions to transport and recycle the collected materials. Facility managers or event coordinators may choose to work with vendors to coordinate the recycling program. The recycling receptacles or reverse vending machines must be clearly marked, and must be provided for the aluminum, glass, or plastic bottles or cans that contain the beverages sold by the vendor.*

We have attached a flyer offering resources and solutions. Please contact Seattle Public Utilities for additional information.

**Attachment II:**

**General Terms and Conditions for Special Events in Seattle Parks**

1. **Retain Permit:** User must retain a copy of this permit on the premises throughout the scheduled event.
2. **Laws and Rules:** The User shall comply with all state laws, City ordinances, regulations of the Superintendent of Seattle Parks and Recreation applicable to activities in City parks, and any lawful order of a Departmental representative made to prevent injury or damage. No lewd conduct or gambling devices are permitted on the premises.
3. **Condition of Premises:** By entering into possession, the User accepts the premises in their present condition. The User may inspect the premises at an earlier, mutually convenient time. Upon expiration or termination of the Permit, the User shall promptly return the premises in as good condition as received, reasonable wear & tear excepted, in a clean appearance, ready for use by another.
4. **Approval Required:** The following activities are NOT ALLOWED without advance written approval from Seattle Parks and Recreation: the sale of food, beverages, goods or merchandise; charging admission or fees for services; alteration, painting, or construction of any Seattle Parks structure (if applicable, see Attach. 2).
5. **Responsibility:** The User assumes responsibility for all activities it conducts during the event, including but not limited to, supervision and control to prevent injury or damage; maintenance of the premises during the use; picking up bottles, debris and refuse; and providing security to maintain order. Seattle Parks and Recreation disclaims any liability from, and the User agrees not to hold Seattle Parks and Recreation liable for, all harm that may arise from the event authorized by this permit.
6. **Departmental Access:** Seattle Parks and Recreation authorized representatives shall have free access to the premises at any and all times. Seattle Parks and Recreation may make repairs or alterations to the premises during the use period as long as the same does not unreasonably interfere with the use of the premises for the planned event. As determined by the Superintendent of Seattle Parks and Recreation, Parks staff may interfere with the User's use of the premises for repair and alteration work resulting from an emergency.

**Park Use Permit Attachment I & II #230991**

**Occupy CEHKC**

**Westlake Park, North End**

**4/24/12 – 12:00PM to 10:00PM**

**4/25/12 – 6:00AM to 12:00PM**

**Timothy Harris**

7. **Cancellation, Relocation by Department:** Seattle Parks and Recreation may, without liability, upon giving as much advance notice to the User as practical, cancel or terminate this Permit or relocate a scheduled use to a nearby available location if the premises are closed for repairs, necessary utilities or services cannot be supplied or a supervening order of a governmental officer or agency makes it necessary.
8. **Revocation:** Seattle Parks and Recreation may revoke a permit and/or stop a use in progress if the User fails to comply with any State laws, City ordinances, including Seattle Municipal Code 25.08.520 (noise ordinance), the rules and regulations of the Superintendent of Seattle Parks and Recreation, the terms and conditions of this permit or an approval required under Section 4; the User fails to secure a necessary permit; and/or after a warning, the User disregards a lawful order of an authorized representative of Seattle Parks and Recreation or engages in activity that may cause injury to the public or damage to the premises.
9. **No Assignment:** This permit and the permission granted may not be assigned, nor the premises sublet, without the prior written consent of the Department.
10. **Indemnity:** The User shall indemnify and hold the City harmless from any and all claims, actions, losses and damages to person or property (including but not limited to attorneys fees and expenses) suffered as a consequence of or arising or resulting, directly or indirectly, from any act or omission of the User on or about the premises.

In the event that any lawsuit based upon any such claim, action, loss, damage or cost is brought against the City, the User, after being notified that such lawsuit has been started, shall defend such lawsuit at no expense to the City; and if, in such lawsuit, a final judgment is rendered against the City, or against the City and the User, jointly, the User shall promptly satisfy such judgment.

The User's liability under the indemnification agreement shall not be reduced by any City negligence; provided, that nothing shall require the User to indemnify the City against the sole negligence of any City officer, employee or agent acting within the scope of such person's employment.

# **EXHIBIT E**

# SCHEDULING AN EVENT IN A SEATTLE PARK

## Park Use Permits



Seattle Parks and Recreation will work with all citizens to be good stewards of our environment, and to provide safe and welcoming opportunities to play, learn, contemplate and build community.

**Citywide Events Office**  
7201 E. Green Lake Dr. N.  
Seattle, WA 98115  
[www.seattle.gov/parks/reservations/permits.htm](http://www.seattle.gov/parks/reservations/permits.htm)

**Office: 206.684.4080**  
**Fax: 206.684.4853**  
**E-mail: [jeff.hodges@seattle.gov](mailto:jeff.hodges@seattle.gov)**

### Introduction

Thank you for choosing a Seattle park for your event. A Park Use Permit may be required to reserve the park space in which you are interested. Park Use permits are typically for one-day events only. Use permits allow Seattle Parks to prevent conflicts, make necessary maintenance preparations, and avoid overuse of facilities.

Permits are required if: 1) Any amplified sound is planned. 2) Any equipment is brought into a park. 3) The event is publically advertised. 4) A large number of people is expected.

Use permits are granted on an application-review basis. To apply for a permit for an outdoor park space and/or facility, please send the attached application to:

Seattle Parks and Recreation  
Citywide Events Office  
7201 E. Green Lake Dr. N.  
Seattle, WA 98115  
Telephone: 206-684-4080  
Fax: 206-684-4853  
E-mail: [jeff.hodges@seattle.gov](mailto:jeff.hodges@seattle.gov)  
TDD only: 206-684-4950

Please make reservations for rooms at community centers and other indoor facilities through the staff at each facility during regular operating hours. You can find contact numbers for all centers on our website: <http://www.seattle.gov/parks/centers/>.

If you would like to reserve an athletic field for youth and adult games and practices, please contact the Athletic Field Scheduling Office at 206-684-4077 for practices and league play at 206-684-4082. For more information, please refer to our website: <http://www.seattle.gov/parks/athletics/facilities.htm>.

### Application

Please complete the attached application form as completely as possible. Answers to the questions should give a full description of all activities planned, all facilities that are needed, date and times of the event and the number of people expected. Wherever you give a "yes" answer on the checklist, please provide a detailed explanation; add pages and maps if needed. Remember to date and sign the application. We will return all un-signed applications, and any incomplete form may cause delays.

Park Use Permit applications are accepted for the year, starting the first business day in January. We encourage all event organizers to turn in their applications early, as Parks Use Permits are issued on a first-come, first-served basis. The Citywide Events Office accepts applications at any time for events, but late fees will be assessed to applications received within seven business days; late applications may be denied if Parks determines that there is insufficient preparation time for any aspect of an event.

## Fees and Charges

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### Application Fee

Parks charges a non-refundable Park Use Permit Application fee with every permit application. The application fee is \$75 unless your event is protected by the First Amendment to the U.S. Constitution, in which case the application fee is reduced to \$50. All other applicable Park fees apply. You can pay the application fee by check or credit card, or in person with cash. Other fees, explained below, may include but are not exclusive to:

- Hourly park fee of \$10 to \$25 per hour depending on park selected
- \$75 for electrical or water hookup
- Late application fee of \$75 (explained under Application section).
- Commercial fees of \$100 per surface, per display are explained in detail below
- Vehicles permitted to enter parks for load/unload will be charged a \$20 per vehicle per day fee (may not be allowed at certain parks).
- 10% of gross sales or \$20 per booth/canopy fee (explained below).
- Additional park fees, such as table or shelter fees.
- A refundable damage deposit may be required for certain events. Fees are relative to size, setup, attendance, and park/patron impact.
- Upon review of a Park Use Permit application, Citywide Events staff may determine that Parks staff are required onsite at an event. Applicants will be advised of this requirement during permit review.
- Any damage done to the park during an event (explained below)

Once we process your application, we will bill you for these additional costs. Seattle Parks may require insurance, a performance bond or deposit, and special approvals or permits from other City departments in addition to the above fees. All fees are non-refundable.

### Admission, Event Fees, or Sale of Merchandise Fee

Seattle Parks must approve any plan to charge admission or sell any service or product at any event on Parks property. If approved, 10% of gross receipts collected on Parks property or a \$20 per booth/canopy fee (which ever is greater) must be paid to the city. This payment is due to the Event Management Office within 10 business days after the event. Please make all checks payable to "City of Seattle." This fee does not apply to bona fide donations or contributions made at a political or religious gathering. (As a rule, in a contribution, the donor alone determines what he/she will give, and receives nothing in exchange. In a sale, the seller, or the seller and buyer, set or suggest a price, and the buyer receives merchandise or a service in exchange for their money.)

There are contracted concessionaires in some parks who have exclusive privileges to sell food in side that park. The Special Event Office will inform applicants if this is the case.

Seattle Parks and Recreation reserves the right to regulate the pricing of goods and services sold to the public. Please discuss with the Parks Event Coordinator the prices of food, products, or services and admission charges when you apply.

Liquor may not be sold or handled in any Seattle park except at certain indoor facilities, with a valid state liquor license, after the Superintendent gives special permission.

### Commercial Use/Promotional and Advertising Fees

Parks charges \$100 per surface, per day, for advertising in parks. Surfaces include - but are not limited to - banners, signs, tents/canopies, vehicles, inflatables and other structures that include advertising, logos or branding for services or products. Some structures/vehicles may be considered multiple surfaces. Permit applicants/holders are responsible for all advertising fees and are required to obtain design approval from Parks Event Management and must accurately disclose all applicable displays prior to permit issuance.

### Damage Mitigation

Damage to turf, trees, shrub beds, hard surfaces, or buildings caused during the event will be charged to the user group. All damage must be repaired to Seattle Parks and Recreation standards. It is the responsibility of the event sponsors to pay for any and all damage caused by the event. Cost incurred by Parks for repairing damage to turf, trees or plant materials will be billed to the user at Parks' current labor and material costs.

### Insurance

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- Please send this section to your insurance broker, agent, or insurer..
- Acceptable evidence of insurance as specified below must be filed with and approved by Seattle Parks and Recreation at least 30 days prior to the scheduled date of a Event on Parks property.
- The only exception to the insurance requirement is if the proposed event is a political activity protected by the First Amendment to the U.S. Constitution unless the event includes activity that presents a significant risk of injury because food is sold or served; a stage, scaffolding, tent, or canopy is erected; participants engage in athletics, group exercises, or activity involving physical contact; booths or structures are included; carnival rides; electrical cords, or wires are used; use of generators; any open flame, vehicle or float, inflatable signs; or erecting anything that may fall or collapse.

## Insurance Requirements:

- The minimum coverage must consist of a Commercial General Liability (CGL) insurance policy or the equivalent with a minimum limit of liability of \$1,000,000 each occurrence combined single limit bodily injury and property damage (CSL) or the multiple limits equivalent. If alcoholic beverages are to be served, host liquor liability coverage must be included.
- If a vehicle enters the park for setup and/or breakdown of the event, there is an additional requirement for automobile liability insurance with a minimum limit of liability of \$1,000,000 CSL or the multiple limits equivalent.
- "The City of Seattle" must be an additional insured for primary and non-contributory limits of liability. NOTE: THIS IS A GOVERNMENTAL PERMIT. THE GENERAL LIABILITY ADDITIONAL INSURED POLICY OR ENDORSEMENT LANGUAGE MUST BE AS PER THE ISO CG 20 12 ADDITIONAL INSURED ENDORSEMENT FOR GOVERNMENTAL PERMITTING OR EQUIVALENT. "OWNER'S, LESSEES OR CONTRACTORS" ADDITIONAL INSURED LANGUAGE WILL NOT BE ACCEPTED.
- Safeco Insurance Company certificates must have a CG 76 80 "Primary and Non-Contributory" endorsement attached.
- The insurer(s) must provide not fewer than thirty (30) days notice of cancellation, except ten (10) days as respects cancellation for non-payment of premium.
- Certification of insurance, which in addition to a certificate of insurance must include an actual copy of the additional insured provision to the general liability insurance policy (either blanket additional insured language or a designated additional insured endorsement), must be issued to:  
 Seattle Parks and Recreation  
 Citywide Events Office  
 7201 E. Green Lake Dr. N.  
 Seattle, WA 98115  
 and must either be faxed to 206-684-4853 or sent as an e-mail attachment to jeff.hodges@seattle.gov.

## Deposit

A performance bond is a written guarantee from a bonding company or approved surety agreeing to make payment to the City up to a set amount if a named party does not fully comply with a Park Use Permit. A cash deposit is a payment made to the City and held in trust for performance or payment of certain charges much as an escrow account or a damage deposit given by tenants to landlords.

A performance bond is released if the terms and conditions of a permit are fully performed and a cash deposit is returned by check from the Finance Director's Office. If a permit is not performed fully, expenses incurred or damages sustained may be charged against the bond. The City may require a performance bond or cash deposit in

these situations:

1. When admission is charged to an event or food or products are sold, in order that the City may be assured of collecting the percentage of gross receipts charged;
2. When an event presents a risk of damage to City property, in order that the City may be assured repairs will be made or the City reimbursed its cost;
3. When the event appears likely to cause the City unusual clean up or restoration expenses, in order that the City can cover its probable out-of-pocket costs;
4. When the City's Noise Control Ordinance, Seattle Municipal Code (SMC) 25.08, applies, in order to comply with its terms and conditions, particularly Section 520E; and
5. When special services are provided, or extra expenses are anticipated, and the Superintendent of Parks and Recreation determines that a performance bond is necessary to fully protect the City.
6. When the applicant has previously held an event that violated the Seattle Park Code.

The bond or cash deposit is set in an amount which would make the City whole if the terms and conditions of the use permit were not fully performed, and where applicable, in accordance with SMC 25.08.520E.

## Approvals/Other Permits

It is an applicant's responsibility to research and secure all necessary City Permits required for a event other than the Parks Use Permit. Additional permits may be needed to be obtained from other City departments. Please see the list below of possible conditions that would require additional permits and the other City resources to refer to:

Contact the Seattle Fire Department Fire Marshal's Office at 206-386-1450 if your event includes:

- Use of tents with walls exceeding 400 square feet, or tents without walls with an aggregate area exceeding 700 square feet
- Use of propane or any open flame for heat or cooking operations
- Some events may require an assembly permit

Contact the City's Department of Planning and Development (DPD) Office at 206-684-8600 if your event includes:

- Building of or use of a stage, platform, bleachers, and/or scaffolding structures
- Any structure greater than four feet in height
- Construction of a booth for sales or displays
- Structures anchored to existing buildings or weighing more than 2,000 pounds



- Any and all proposed construction must be approved by the Parks Department

Contact Public Health — Seattle & King County at 206-296-4632 if your event includes:

- Serving, handling, or preparing food

Contact the City's Revenue and Consumer Affairs Office at 206-684-8484 if your event includes:

- Engaging in business activities subject to the City's business and occupation tax, such as charging admissions or selling any items

Contact the City of Seattle Department of Transportation (SDOT) at 206-684-5098 if your event includes:

- The need to temporarily block off or close any streets or roadways.

HOWEVER, if your event is reasonably expected to meet the following criteria:

- Have a substantial impact on such park or other public place; and
- Require the provision of substantial public services (e.g., Seattle Police Department)

You may need to contact the City Special Events Office at 206-684-8017.

## Noise and Sound Control

Except as authorized by the Event Management Office for specific events and times, it is unlawful to use any public address system, loudspeaker, or other sound-amplifying device in any park. In addition, SMC 25.08.52A makes it unlawful for any person to cause or allow sound from an officially sanctioned outdoor musical event originating in a park to exceed an "L eq" of 95 db(A) for one minute as measured 50 feet from the source. An "L eq" is defined as "The constant sound level that, in any given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound."

The Event Management Office has the discretion to allow or disallow amplified sound during a special event. Alternatively, they may require a park user to comply with a lesser sound level than outlined by the City sound ordinance. Please inquire at the time of booking.

An authorized Parks official, DPD official, or a police officer may stop any outdoor musical event as a public nuisance if the decibel level exceeds 105 dB (A) for a total of five minutes in any thirty minute period as measured 50 feet from the source. A copy of the Noise Control Ordinance will be supplied upon request.

## Anti-discrimination

As a matter of policy, law, and commitment, Seattle Parks and Recreation does not discriminate on the basis of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or presence of any sensory, mental or physical handicap. (SMC 18.12.280).

## ADA Compliance

Within the limitations of each park site, Seattle Parks and Recreation will make accommodations for persons with disabilities upon request. For assistance call 206-684-4080 or TDD only 206-684-4950. For information or complaints concerning the Americans with Disabilities Act, please call Parks' ADA Coordinator at 206-684-4950.

## Appeals

If you are dissatisfied with the decision of the Department on an application, that decision may be appealed to the Parks and Recreation Superintendent, 100 Dexter Ave. N, Seattle, WA 98109-5199, telephone 206-684-8022. The appeal should contain the following information:

1. A precise identification of the application;
2. A statement of the action or omission causing concern;
3. The action requested by the applicant and the reasons for supporting it, e.g., why the action is unfair or a hardship; impacts from the decision of Parks staff that the Superintendent might not otherwise know, etc.
4. Whether an opportunity to speak with the Superintendent or a hearing is requested, and if so, an address or number where you may be contacted;
5. If a decision is urgently needed, an indication of when a decision needs to be made.

The appeal will be considered within a reasonable time after—within 48 hours if the appeal raises issues of constitutional rights and requires immediate attention. If practical, the matter may be resolved by phone or a personal visit. The Department's decision will be final.



# Application for Use Permit

FOR OFFICE USE ONLY: RENTAL # \_\_\_\_\_

## APPLICANT INFORMATION

1. Applicant/Agent Name:			
2. Organization Represented by Applicant:			
3. Organization Web Site:			
4. Mailing Address:			
	City:	State:	Zip:
5. Agent Phone and Contact Information:	Day Phone:	FAX:	
	Cell Phone:		
	Email:		
6. Event Contact Person (if other than agent). Please print name below:	Day Phone:	FAX:	
	Cell Phone:		
	Email:		

## EVENT OPERATIONS

7. Official Name of Event:	
8. Name of event in previous years:	
9. Describe in detail the nature of the event:	
10. Is the event <input type="checkbox"/> Private or <input type="checkbox"/> Public? (please select a checkbox after reading the description to the right)	A private event is one in which you have a specified guest list and know who is attending; a public event is one to which the general public is invited through word-of-mouth, flyers, or media advertising.
11. Anticipated Maximum Attendance:	
12. Name of Park:	
13. Location of the Event: (If information exceeds space available, please attach a separate sheet and label the attachment.)	
14. Event Set Up Date/Time:	(Date & time when first equipment is set up, i.e., portolets and tents)
15. Event Date(s) and Hours of Operation:	
16. Event Break Down Completion Date/ Time:	(Date & time when all equipment is removed, i.e., portolets and tents)



## Application for Use Permit

### EVENT COMPONENTS

Please check all items below that apply to your event and provide details below.  
Attach a separate sheet with additional details if needed.

<input type="checkbox"/> Amplified Sound — Hours _____ to _____ <input type="checkbox"/> Booths — Qty: _____ <input type="checkbox"/> Commercial Advertising/ Banners — Qty: _____ <input type="checkbox"/> Cooking — <input type="checkbox"/> Charcoal <input type="checkbox"/> Propane <input type="checkbox"/> Stage — Qty: _____ Size: _____ <input type="checkbox"/> Tents/Canopies — Qty: _____ Size: _____ <input type="checkbox"/> Vehicles — Qty: _____	<input type="checkbox"/> *Alcohol <input type="checkbox"/> Bicycling <input type="checkbox"/> Boat Racing <input type="checkbox"/> Concert/Live Music <input type="checkbox"/> Commercial Photography <input type="checkbox"/> Dance or Drama <input type="checkbox"/> Requesting Electricity? <input type="checkbox"/> Exhibits or Displays <input type="checkbox"/> Food or Beverage Distribution (Free) <input type="checkbox"/> Generator, Providing Own <input type="checkbox"/> Inflatable (bounce)	<input type="checkbox"/> Picnic Shelters <input type="checkbox"/> Portolets — Qty: _____ <input type="checkbox"/> Public Address (PA) System <input type="checkbox"/> Race (Timed Event) <input type="checkbox"/> Rally/Protest <input type="checkbox"/> Run/Walk Event <input type="checkbox"/> Sales—Food or Beverage <input type="checkbox"/> Sales—Merchandise or Services <input type="checkbox"/> Sporting Event <input type="checkbox"/> Theatrical Performance <input type="checkbox"/> Wedding Reception
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#### \*Alcohol

Please Note: Alcoholic beverages cannot be sold, distributed, or consumed in any outdoor City park per SMC 12A.24.025.

**OTHER** (Please provide details here and include items not on the checklist above):

### SITE PLAN REQUIREMENTS

You must attach a clear and legible site plan or map with the following indicated:

1. North, indicated by a directional arrow symbol.
2. Name of the Park facility and that of surrounding streets with one-way streets indicated.
3. The overall Event Area (include parking if appropriate) required within the confines of the Park.
4. The location of all physical equipment being placed, including, but not limited to, any stage(s), vendors, booths, sponsors, tents, signs, barricades, portolets, vehicles, and shelters and shelter numbers.
5. Any other details you think are helpful.
6. Electrical plans for vendors and stages.

### INSURANCE REQUIREMENTS

You are required to have liability insurance. Do you or your group have liability insurance that would cover such an event? Please see "Insurance" section in Park Use Brochure for additional details.

☐ NO   ☐ YES   If yes, please provide the name of the insurance company:

The City of Seattle must be named as an additional insured in any and all policies. The amount of liability coverage will be determined by the applicant's activities as detailed in this application form. Insurance must be evidenced on an Acord 25 form and submitted 2 weeks before your event setup date for review.

## Application for Use Permit

### EVENT INFORMATION

17. Do you or your vendor participants plan to sell any items (food, beverages, products, crafts, materials, etc.) at this event? ☐ NO ☐ YES (If yes, please specify how this will be accomplished.):

18. Will there be any registration or admission fees collected at this event?  
☐ NO ☐ YES (If yes, please explain what the charges will be.):

19. What type of advertising/promotion do you intend to use? Describe:

20. By signing this document, I take full responsibility for every participant of the event. I have read and agree to the terms and conditions outlined in this brochure, and I will follow the rules and requirements for conducting my event. I am aware that this application is a public document that may be inspected or copied.\*  
 \*If you believe any part of this document contains information that is exempt from disclosure, please notify our office in writing at the address below.

\_\_\_\_\_  
 Applicant Signature or use electronic signature checking box.

☐

\_\_\_\_\_  
 Date

RETURN ALL COMPLETED APPLICATIONS TO:

IF YOU HAVE ADDITIONAL QUESTIONS:

Citywide Events Office, Attn: Jeff Hodges  
 7201 E. Green Lake Drive N.  
 Seattle, WA 98115

Or FAX applications to: 206-684-4853

Phone: 206-684-4080

E-mail: [jeff.hodges@seattle.gov](mailto:jeff.hodges@seattle.gov)

Web: [www.seattle.gov/parks/reservations/permits.htm](http://www.seattle.gov/parks/reservations/permits.htm)

### METHOD OF PAYMENT

☐ Visa

☐ MasterCard

☐ American Express

☐ Check Enclosed

Name on Card:

Card Number:

Exp. Date:

Signature:



Seattle Parks and Recreation  
Event Management Office  
7201 E. Green Lake Drive N.  
Seattle, WA 98115

## General Terms and Conditions for Special Events in Seattle Parks

**Retain Permit:** The user must retain a copy of this permit on the premises throughout the scheduled event.

**Laws and Rules:** The User shall comply with all state laws, City ordinances, regulations of the Superintendent of Seattle Parks and Recreation (Parks) applicable to activities in City parks, and any lawful order of a Departmental representative made to prevent injury or damage. No lewd conduct or gambling devices are permitted on the premises.

**Condition of Premises:** By entering into possession, the User accepts the premises in their present condition. The User may inspect the premises at an earlier, mutually convenient time. Upon expiration or termination of the Permit, the User shall promptly return the premises in as good condition as received, reasonable wear & tear excepted, in a clean appearance, ready for use by another.

**Approval Required:** The following activities are NOT ALLOWED without advance written approval from Parks: the sale of food, beverages, goods or merchandise; charging admission or fees for services; alteration, painting, or construction of any Seattle Parks structure (if applicable).

**Responsibility:** The User assumes responsibility for all activities it conducts during the event, including but not limited to, supervision and control to prevent injury or damage; maintenance of the premises during the use; picking up bottles, debris and refuse; and providing security to maintain order. Parks disclaims any liability from, and the User agrees not to hold Parks liable for, all harm that may arise from the event authorized by this permit.

**Departmental Access:** Parks authorized representatives shall have free access to the premises at any and all times. Parks may make repairs or alterations to the premises during the use period as long as the same does not unreasonably interfere with the use of the premises for the planned event. As determined by the Superintendent. Parks staff may interfere with the User's use of the premises for repair and alteration work resulting from an emergency.

**Cancellation, Relocation by Department:** Parks may, without liability, upon giving as much advance notice to the User as practical, cancel or terminate this Permit or relocate a scheduled use to a nearby available location if the premises are closed for repairs, necessary utilities or services cannot be supplied or a supervening order of a governmental officer or agency makes it necessary.

**Revocation:** Parks may revoke a permit and/or stop a use in progress if the User fails to comply with any State laws, City ordinances, including Seattle Municipal Code 25.08.520 (noise ordinance), the rules and regulations of the Superintendent, the terms and conditions of this permit or an approval required under Section 4; the User fails to secure a necessary permit; and/or after a warning, the User disregards a lawful order of an authorized representative of Parks or engages in activity that may cause injury to the public or damage to the premises.

**No Assignment:** This permit and the permission granted may not be assigned, nor the premises sublet, without the prior written consent of Parks.

**Indemnity:** The User shall indemnify and hold the City harmless from any and all claims, actions, losses and damages to person or property (including but not limited to attorneys fees and expenses) suffered as a consequence of or arising or resulting, directly or indirectly, from any act or omission of the User on or about the premises.

In the event that any lawsuit based upon any such claim, action, loss, damage or cost is brought against the City, the User, after being notified that such lawsuit has been started, shall defend such lawsuit at no expense to the City; and if, in such lawsuit, a final judgment is rendered against the City, or against the City and the User, jointly, the User shall promptly satisfy such judgment.

The User's liability under the indemnification agreement shall not be reduced by any City negligence; provided, that nothing shall require the User to indemnify the City against the sole negligence of any City officer, employee or agent acting within the scope of such person's employment.

# **EXHIBIT F**

276592

## CITY OF SEATTLE

## Department Policy &amp; Procedure

Department PARKS AND RECREATION**SUBJECT:****DEVELOPMENT OF DEPARTMENT-WIDE  
POLICIES AND PROCEDURES****EFFECTIVE** December 19, 1975**SUPERSEDES** None**NO.**060-P-2.1.2**APPROVED***David L. [Signature]* **PN/OMB****PAGE**11/11/1975 OF 14**1.0 PURPOSE**

- 1.1 To provide employees of the Seattle Department of Parks and Recreation with a clearly defined set of guidelines for the establishment of Department-wide policies and procedures.

**2.0 ORGANIZATIONS AFFECTED**

- 2.1 Department of Parks and Recreation

**3.0 REFERENCES****3.1****4.0 POLICY**

- 4.1 It is the policy of the Department of Parks and Recreation to supplement the decision-making process of its employees by providing a set of clearly defined policy and procedural guidelines to enable employees to meet the needs of the general public and to enhance a flow of communication and cooperation throughout the Department of Parks and Recreation.

**5.0 DEFINITIONS**

- 5.1 Policy means a statement that sets a definite course of direction on a given subject.
- 5.2 Directive means, for purposes of this manual, giving authoritative instructions to employees. It is not as broad as a policy and does not state how employees will implement a policy. A directive will be supplemental to policy and will serve to clarify policies.
- 5.3 Procedure means the method by which a policy will be implemented.
- 5.4 Policies and procedures will be established on a department-wide basis only. See Procedure 7.2.
- 5.5 The Sounding Board is a representative body whose membership is advisory in nature, whose members are selected by the respective section heads and confirmed by the Superintendent, and who serve at the Superintendent's pleasure. This Board will review, evaluate and make recommendations on policies and procedures submitted to them and aid in

Page 1 of 4

060-P 2.1.2



## Department-Wide Policies and Procedures

Page Two of Four

drafting policies and procedures, as requested. The Sounding Board will act only in an advisory capacity to the Superintendent of Parks and Recreation on policy matters. Ultimate and final authority on all Departmental policy matters rests with the Superintendent of Parks and Recreation.

**6.0 RESPONSIBILITY**

- 6.1 It shall be the responsibility of the Manual Coordinator (appointed by the Superintendent from within the Department) to coordinate all aspects of the Policies and Procedures Manual within the Department.
  - 6.1.1 The Manual Coordinator will identify the need or desirability of policies in specific areas, draft or aid in drafting proposed policies and procedures, guide proposals from inception to adoption, coordinate the effort of this Department with that of other city departments in policy matters, and serve as liaison between the Superintendent and members of the Department in all policy and procedure matters.
- 6.2 It shall also be the responsibility of the Manual Coordinator to call meetings on Department-wide policy matters at his/her discretion. He/she shall act as Chairman of these meetings. Meetings need not be on a regular basis. However, meetings will be held on a specified day and hour in order to reduce time conflicts as much as possible.
- 6.3 The responsibility of the Manual Coordinator shall be Department-wide in nature, and as such it shall be within his/her responsibility and authority to request assistance from members of the Department in the development of policies and procedures and/or request they be present at those meetings where their expertise is felt to be desirable.
- 6.4 Prior to final approval of policies and procedures by the Sounding Board, it is the responsibility of each Sounding Board member to review/evaluate those policies and procedures affecting that section, communicate them to his/her sectional Director. Section Directors are encouraged to thoroughly evaluate and comment on such policies and procedures through their respective Sounding Board members. Directors who desire to address the Sounding Board on particular topics may do so by notifying the Coordinator in advance of their desire, and requesting the time and date of the next Sounding Board meeting.
- 6.5 In the development of policies and procedures, a log will be maintained in which the progress of each will be noted, as follows:
  1. Proposed policies
  2. Approved policies

Page 2 of 4

060-P-2.1-2

## Department-Wide Policies and Procedures

276572  
Page Three of FourFILED  
CITY OF SEATTLE

3. Drafted policies and procedures
4. Policies and procedures reviewed and approved by the Sounding Board
5. Policies and procedures submitted to and approved by the Superintendent
6. Policies and procedures submitted to Office of Management and Budget for review and approval
7. Adopted policies and procedures

6.6 After policies and procedures have been adopted, they will then be sent to the City Print Shop and upon return, disseminated.

**7.0 PROCEDURE**

- 7.1 Employees of the Department of Parks and Recreation who wish to initiate a policy and/or procedure are to prepare a draft proposal to his/her supervisor, members of the Sounding Board, or the Manual Coordinator. Policies and procedures should be stated concisely and be easily read and understood by all employees of the Department. The standard policies and procedures format shall be used.
- 7.2 A procedure may be written and adopted by any Division or Section of the Department for that area if it conforms to an existing policy; does not conflict with any City or Department procedure; and has been reviewed by the Superintendent or his representative. This will allow Division and Section heads to establish inter-Division and inter-Section procedures that are needed only for the operation of those areas but do not apply to other parts of the organization and will follow the same process as Department-wide policies. Copies of all these sub-Department procedures will be maintained with the master copy of the Manual which will be located in the office of the Manual Coordinator and the reference library (Central Files).
- 7.3 The proposal will be forwarded to the Manual Coordinator to verify the need for a given policy, and draft, or assist in drafting, a policy that attempts to satisfy that particular need.
- 7.4 The draft proposal will then be submitted to the Sounding Board in those instances where department-wide input is desired.
- 7.5 The Manual Coordinator will finalize a draft proposal and submit it to the Superintendent of Parks and Recreation for final approval.
- 7.6 Upon approval of the Superintendent, a policy and procedure is assigned a number and position within the Policy and Procedure Manual, and the eight general headings contained in the Policy and Procedure Manual:

Page 3 of 4

060-P-2.1.2



- 1.0 Community Relations
- 2.0 Administration
- 3.0 Budget and Financial Management
- 4.0 Personnel
- 5.0 Maintenance
- 6.0 Planning, Design and Construction
- 7.0 Recreation and Program Operations
- 8.0 Safety

7.7 Policy and Procedure is sent to Office of Management and Budget Office, Management Information Systems, for review and approval.

7.8 Policy and Procedure is sent to City Print Shop; upon return, disseminated.

#### 8.0 REFERENCES

8.1 N/A



# **EXHIBIT G**

Your City, Seattle



## Department Policy & Procedure

<b>Subject:</b> USE PERMITS FOR OUTDOOR SPECIAL EVENTS AND FOR CERTAIN FACILITIES	<b>Number</b> 060-P 7.1.2
	<b>Effective</b> 1 May 1982
	<b>Supersedes</b> 6/15/78
<b>Approved:</b> 	<b>Department:</b> Parks and Recreation
<b>Page</b> 1 <b>of</b> 21	

### 1.0 PURPOSE

- 1.1 To establish the procedure for non-Department groups to obtain permits for the use of the Department's outdoor facilities (other than the Woodland Park Zoo or the Seattle Aquarium) for special events and for the use of the Lawn Bowling Clubhouses at Jefferson Park and Woodland Park. Permit procedures for other specific locations are treated in separate policies and procedures in this series.

### 2.0 ORGANIZATIONS AFFECTED

- 2.1 Department of Parks and Recreation
- 2.2 Patrons of the Department's outdoor facilities

### 3.0 REFERENCES

- 3.1 Department Policy and Procedure series 060-P 7.13.1 . . . , Use Management Guidelines for Parks and Recreation Facilities.
- 3.2 Schedule of Fees and Charges of the Department of Parks and Recreation (revised yearly).
- 3.3 Seattle Municipal Code 25.08, Noise Control.
- 3.3.1 Seattle Municipal Code 25.08.520, Noise in public parks and places.
- 3.4 Policy and Procedure 7.1.2.1, Use Permits for the Public Area of Pier 57.

### 4.0 POLICY

It is the policy of the Department that:

- 4.1 Outdoor special events conducted by non-Department groups require an approved Use Permit in addition to the normal fees and charges established by the Department (see reference 3.2).
- 4.2 Liability insurance will be required for events which pose a risk of personal injury or property damage.
- 4.2.1 In order to accommodate constitutional rights to assemble peaceably for political and religious purposes, no insurance is

060-P 7.1.2  
Page 2

required for gatherings (such as rallies, demonstrations, and outdoor religious services) purely for political or religious expression.

- 4.2.2 When required, minimum coverage will be \$500,000 bodily injury liability and \$100,000 property damage liability, or \$500,000 combined single limit, bodily injury and property damage unless the Department sets a different amount for a particular event."
- 4.2.3 When insurance is required, the applicant must present a certificate a minimum of seven business days in advance of the event to verify insurance coverage. The insurance must name the City of Seattle as additional insured and indemnify the City from all claims arising from the event.
- 4.2.4 A request for a waiver of insurance may be made through the Director of Recreation, 210 Municipal Building, Seattle, Washington 98104. Applicant will be notified within a reasonable amount of time, usually one working day of the final decision.
- 4.3 A refundable cash performance bond may be required to cover possible additional costs for events which might attract large crowds or otherwise create unusual maintenance or clean-up, to insure payment of a concession fee, to cover possible minor damage to City-owned property, or events which fall under the City's noise ordinance.
  - 4.3.1 The amount of the performance bond will approximate the anticipated costs or fee except in the case of the Noise Control Ordinance where the bond will be a maximum of \$500 for non-amplified music and a maximum of \$1,000 for amplified music. In any event, the sponsor of the event is expected to leave all Department facilities in a condition as good as that in which received.
  - 4.3.2 The Director of Recreation may waive a performance bond for a concession fee if the advance deposit would impose a financial hardship on the sponsor of the event.
- 4.4 All permit-related fees and insurance, except concession fees, must be paid in full at least 7 (seven) business days in advance of an event scheduled two weeks or more in advance; for events scheduled within a shorter interval, fees shall be paid and insurance provided as far in advance as practical.
- 4.5 Concession fees, if any, must be paid within 10 days of the event.
- 4.6 Permits will be denied those sponsors who have fees outstanding from previous events. (See paragraph 7.2.7)
- 4.7 Permissibility of events will be determined in accordance with the guidelines of reference 3.1 and the procedures in Section 7.0.

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060-P 7.1.2  
Page 3

- 4.8 Applications submitted less than two months prior to the requested date may be disapproved by the Director of Recreation at any point in the application process due to insufficient lead time.
- 4.9 Applications submitted less than six days in advance will be assessed an additional \$50.00 late fee.
- 4.10 Department staff support will normally be limited to set-up of Department equipment and supervision on the use of Department property during normal use hours and in accordance with reference 3.2. Additional Department support should be requested on the application and is subject to additional charges.
- 4.11 When a permit application includes a request for concessions and when the Department does not have an existing concession contract at the requested facility, the Department may grant in the permit exclusive rights for concessions to the applicant.

## 5.0 DEFINITIONS

- 5.1 Concession Fee - a fee of 10 percent of gross receipts. This fee is required for events where an admission entry fee is charged or where items are sold.
- 5.2 MRC - the Management Review Committee which consists of the Department Superintendent, Division Directors and selected staff personnel.
- 5.3 Normal Use - any scheduled or unscheduled use of a facility occurring on a one-time, seasonal or recurring basis in accordance with the intended function of that facility.
- 5.4 Permit Coordinator - the administrative specialist in the Recreation Programs Division in charge of scheduling, processing and issuing the Use Permits.
- 5.5 RIO - Recreation Information Office, 5201 Green Lake Way North, Seattle 98103.
- 5.6 SMC - Seattle Municipal Code.
- 5.7 Special Event - any unprogrammed activity and some programmed activities which preclude or in part preclude normal use of a facility and/or require labor, materials, or equipment support service beyond that provided in the budget for normal use.

## 6.0 RESPONSIBILITY

- 6.1 The Permit Coordinator is responsible for:
  - 6.1.1 Processing initial applications for special event use permits and setting initial fee and insurance requirements.
  - 6.1.2 Scheduling outdoor and some indoor facilities.

060-P 7.1.2  
Page 4

- 6.1.3 Maintaining a log and file of permit applications and associated papers.
- 6.1.4 Routing the permit application for comment and approval to appropriate staff personnel, Division Directors and other affected Departments.
- 6.1.5 Serving as liaison between the applicant and the Department.
- 6.1.6 Receiving fees and submitting receipts to the accounting office.
- 6.1.7 Issuing permits and distributing permit copies.
- 6.1.8 Securing post-event evaluations from designated divisions.
- 6.1.9 Arranging for refunds of performance bonds when appropriate.
- 6.2 Division Directors and affected staff supervisors are responsible for:
  - 6.2.1 Advising in regard to the permissibility and requirements of special events.
  - 6.2.2 Informing affected line staff of request and responsibilities.
  - 6.2.3 Evaluating the events when designated to do so.
- 6.3 The Director of Recreation, as designee of the Department Superintendent, is responsible for:
  - 6.3.1 Determining the final requirements for permit approval.
  - 6.3.2 Giving final approval for permit applications. The Director may elect to first refer unresolved problems to the MRC for disposition before approving the application.
  - 6.3.3 Designating those who are to evaluate specific events.
  - 6.3.4 Approving refunds of performance bonds, except that the Permit Coordinator may arrange refunds of performance bonds which only involve concession fees.
- 6.4 The MRC is responsible for reviewing any permit applications referred to it for disposition.
- 6.5 The Director of Operations or their designee will assume the responsibilities of the Director of Recreation when the latter is unavailable.

## 7.0 PROCEDURE

- 7.1 Applications (See Appendix 8.1):



060-P 7.1.2  
Page 5

7.1.1 Applications for special event Use Permits should be made at the Recreation Information Office at least two months in advance of the requested date. (See also paragraph 4.8)

7.1.2 Applicants requiring more than three weeks advance notice of approval should submit their requests five weeks in advance of the date when they desire notification.

7.2 The Permit Coordinator will:

7.2.1 Evaluate the compatibility of the event with the requested site and date. Compatibility with the requested site shall be based upon criteria established in paragraph 7.1 and upon criteria established in reference 3.1.

7.2.2 Refer events of questionable compatibility or events requiring a variance to reference 3.1 to the Director of Recreation Programs. The Director may in turn decide to refer the matter to the Superintendent. If further review appears necessary, the Superintendent may choose to (1) refer the application to MRC for review and recommendation; (2) refer the application to the Board of Park Commissioners for review and recommendation and/or (3) refer the application to a representative advisory council, community organization or officials of such groups who could review the application for the affected users or community population within the time available for processing the application. In such cases the authority for the decision will remain with the Superintendent.

7.2.3 Schedule tentative events for the requested site and date and confirm the event upon receipt of an approved permit copy.

7.2.4 Inform the applicant as to fees, insurance, and performance bond requirements and propose specific amounts as far as practical. (Other Department personnel may also be consulted.)

7.2.5 Insure that the application is completely filled out, and a copy given to the applicant.

7.2.6 Enter the permit application in a log and assign it an identification number. The number will also be the permit number if the permit is approved.

7.2.7 Determine if the applicant or the group represented by the applicant has any outstanding fees which would preclude permit approval or has any previous permit violations which could affect approval. These will be noted in section 1 of the application Routing Slip (Appendix 8.2).

060-P 7.1.2  
Page 6

7.2.8 Prepare the Routing Slip (see Appendix 8.2) and route the application through affected Division Directors and the Security Supervisor for comment and approval. Due dates will be indicated for each area to insure return of the application with appropriate lead time before the event.

7.2.8.1 For musical events which might produce sounds in violation of SMC 25.08.520, a separate copy of the application will be forwarded to the Noise Abatement Section of the City Health Department (or other department(s) designated by ordinance) for review prior to approval of the application by the Director of Recreation Programs. The Noise Abatement Section or other designated departments should be asked to forward their copy directly to the Director of Recreation Programs.

7.2.9 Secure additional information from the applicant as needed.

7.3 The permit application and the routing slip will be sent in the order indicated on the routing slip.

7.3.1 The individuals indicated on the routing slip will enter their comments as to the permissibility and requirements of the event. They should also indicate if copies of the approved permit are desired beyond those specified in paragraph 7.5.6.

7.3.2 Comments should be completed by each individual by the date indicated for that area, and the papers forwarded to the next individual.

7.4 The Director of Recreation will:

7.4.1 Use the comments noted on the routing slip to determine final approval of the application and to set or change any requirements imposed on the event.

7.4.1.1. SMC 25.08.520 also authorizes the Noise Abatement Section of the Health Department to attach conditions consistent with the Noise Control Ordinance (SMC 25.08).

7.4.2 Refer the application to the MRC for review as necessary.

7.4.3 Upon approval, designate those individuals or divisions, if any, who will evaluate the event.

7.4.4 If disapproved, notify the applicant in writing as to the reasons for disapproval.

060-P 7.1.2

Page 7

- 7.4.5 Be responsible to notify the Use Permit applicant and the Permit Coordinator of any decision made through the appeal process concerning the basic requirements (i.e., insurance, time frames, etc.) within a reasonable time frame (usually 24 hours) of the appeal.
- 7.4.6 Return the completed routing slip and permit application to the Permit Coordinator, along with a copy of notification of disapproval if the application was denied.
- 7.5 The Permit Coordinator will:
- 7.5.1 Notify the applicant of approval or disapproval of the application at least 15 business days before the scheduled date of the event when the application is made at least two months in advance of the requested date. For events to be scheduled within a shorter interval, notice of approval or disapproval will be made as soon as practical. The applicant will also be advised of any changes or additions to the requirements.
- 7.5.2 Type the Permit (see Appendix 8.3) and obtain the signature of the Superintendent.
- 7.5.3 If a concession fee is required, a statement will be made in paragraph 13 of the Permit requiring the sponsor to furnish a financial statement of all revenue received from the event along with payment of 10 percent of all revenue minus any performance bond balance (which will be determined using the form in Appendix 8.4).
- 7.5.4 Make an appointment with the applicant to pay all required fees and bonds, show evidence of any required insurance, and sign the Permit at least seven business days before the event.
- 7.5.5 When a performance bond is required, send a copy of the approved Permit along with all fee and bond receipts to the accounting office.
- 7.5.6 Distribute copies of the approved permit as follows:  
(Telephone notification may precede the copy if time is limited.)
- a. Applicant - goldenrod copy
  - b. File - original
  - c. Scheduling Coordinator - pink copy
  - d. Emergency Duty Department Head Representative - 1 copy
  - e. Emergency Duty Supervisor - yellow copy

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.



060-P 7.1.2  
Page 8

- f. Security Supervisor - 2 copies (1 copy for Security and 1 copy for police coordination).
- g. As further indicated on the routing slip, as well as one copy each to those designated to evaluate the event.

7.5.7 Send one copy of the evaluation form (see Appendix 8.4) along with the permit copy to the individual(s) designated to evaluate the event and/or the performance bond refund.

7.6 If the application was disapproved, the Permit Coordinator will notate the log and file the application, routing slip, and notification of disapproval. If (1) the matter involves a variance to reference 3.1 (2) the matter has not previously been reviewed by the Board of Park Commissioners and (3) the decision is negative, the applicant shall have the opportunity for appeal through the Board of Park Commissioners. Upon submittal of a written request for an appeal to the Chairman of the Board of Park Commissioners, the Board shall conduct a hearing on the appeal and make their recommendation to the Superintendent. The Superintendent will consider the Board's recommendation and make the final decision.

7.7 After the event:

7.7.1 Those designated to evaluate the event and/or the performance bond refund will return the completed evaluation to the Permit Coordinator within 10 days of the event. In addition, one copy of the evaluation will be kept on file with the permit copy.

7.7.2 The Permit Coordinator will:

7.7.2.1 Complete the lower section of the performance bond refund evaluation, if a bond was posted, and arrange for additional payment from the sponsor or refund of the bond by the accounting section, whichever is appropriate.

7.7.2.2 If no performance bond was posted but a concession fee is required, arrange with the sponsor for payment of the fee.

7.7.2.3 Receive and record all comments concerning the conduct or impacts of specific events (including the performance bond refund evaluation as noted in paragraph 7.7.1). Such comments may be submitted by RIO staff, other Departmental staff, other departments or agencies and/or the general public. Such comments shall be considered in conjunction with applications for future events and in conjunction with the periodic review of management policies (see Policy 060-P 7.13.1, paragraph 7.3).

060-P 7.1.2  
Page 9

The event sponsors shall be notified that their performance in meeting the requirements and fulfilling the conditions of their use permit will be a factor not only in the return of their performance bond, but also in the consideration of future applications.

- 7.8 See the appropriate Policy and Procedure in this series for requirements applicable only to specific locations.

#### 7.9 APPEALS AND GRIEVANCES

- 7.9.1 If an applicant is dissatisfied with the decision on an application for a permit, the applicant may appeal to the Director of Recreation.
- 7.9.2 The appeal will be considered within a reasonable time. If the appeal raises issues of constitutional rights and requires immediate attention, the matter shall be heard and decided within 48 hours.
- 7.9.3 If practical, a matter may be resolved by telephone or by a visit of the applicant.
- 7.9.4 The appeal will be heard by the Director of Recreation unless the Superintendent designates another official to resolve the matter.

#### 8.0 APPENDICES

- 8.1 Application for Use Permit form.
- 8.2 Request for Use Permit Routing Slip form.
- 8.3 Use Permit form.
- 8.4 Special Event Evaluation and Performance Bond Refund form.
- 8.5 Use Permit Flow Chart.
- 8.6 How to Apply for a Use Permit Booklet.

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10 P-7.1.2  
Page 10

Seattle Department of Parks and Recreation

Appendix 8.1

APPLICATION FOR  
USE PERMIT

Date Routed \_\_\_\_\_

No. \_\_\_\_\_

Date Due \_\_\_\_\_

1. Official name of event: \_\_\_\_\_

2. Purpose/description of event: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Park area/facility requested: \_\_\_\_\_

Please map or diagram area desired:

4. a) Date(s) requested: from \_\_\_\_\_ to \_\_\_\_\_

b) Hours requested: from \_\_\_\_\_ to \_\_\_\_\_

5. Anticipated attendance: participants \_\_\_\_\_ spectators \_\_\_\_\_

6. Sponsor's name: \_\_\_\_\_

Representative's name: \_\_\_\_\_ Day phone no.: \_\_\_\_\_

Address: \_\_\_\_\_

## 8. Requirements Checklist (please be specific):

no yes a) Food and drink: (circle one) 1) sale 2) promotional giveaway 3) other

Detailed explanation: \_\_\_\_\_

no yes b) Moving vehicles (including type of vehicles, e.g., bikes, skateboards, autos, etc.): \_\_\_\_\_

Where (area): \_\_\_\_\_

Purpose: \_\_\_\_\_

no yes c) Fire: (circle one) 1) ground 2) contained 3) other

Explain: \_\_\_\_\_

no yes d) Airborne objects: Type: \_\_\_\_\_

Where (area): \_\_\_\_\_

no yes e) Athletic events: Type: \_\_\_\_\_

Where (area): \_\_\_\_\_

no yes f) Musical or theatrical events (circle one):

Name of group and title of event, if different from item one: \_\_\_\_\_

Describe: \_\_\_\_\_

no yes g) Admission fee: Give schedule of charges: \_\_\_\_\_

no yes h) Sales Product(s): \_\_\_\_\_

Total anticipated revenue: \$ \_\_\_\_\_



060-P 7.1.2

Page 12

☐ no ☐ yes i) Commercial promotion/advertising: Company: \_\_\_\_\_

Product(s): \_\_\_\_\_

Explain: \_\_\_\_\_

☐ no ☐ yes j) Special set-up: (e.g., booths, PA system, helicopter, animals, etc., on Parks property)

Details: \_\_\_\_\_

☐ no ☐ yes k) Electricity (available in certain areas only): Please indicate outlet on preceding map or diagram.

☐ no ☐ yes l) Water: (circle one) 1) drinking 2) other Explain: \_\_\_\_\_

The information supplied in this application is true and accurate to the best of my knowledge.

I have read the booklet, "How to Get a Use Permit," and I am familiar with its explanation of the requirements of the Department of Parks and Recreation.

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

#### DEPARTMENT USE ONLY

The following is to be determined by the Department at user's expense:

☐ no ☐ yes m) Lights (E hours: \_\_\_\_\_ @ \_\_\_\_\_)

☐ no ☐ yes n) Dumpster (size: \_\_\_\_\_)

☐ no ☐ yes o) Garbage cans (No.: \_\_\_\_\_)

☐ no ☐ yes p) Chemical toilets (No.: \_\_\_\_\_)

☐ no ☐ yes q) Department staffing:

(No. staff: \_\_\_\_\_)

(No. hours: \_\_\_\_\_)

(Cost: \_\_\_\_\_)

Appendix 8.2

Seattle Department of Parks and Recreation

060-P 7.1.2

Page 13

ROUTING SLIP FOR USE PERMIT APPLICATION NO. \_\_\_\_\_

Facility: \_\_\_\_\_

Date: \_\_\_\_\_

Please comment on the potential impact of the event described on the accompanying application. Also make recommendations concerning approval, fees, insurance, performance bond, staff support charges, additional requirements, or waiver of usual requirements below and in the back of the application under "Department Use Only." Please initial and date.

1. Permit Coordinator \_\_\_\_\_

2. Security Supervisor (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

3. Director, Management (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

4. Director, Grounds Maintenance (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

5. Director, Facilities Maintenance (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

6. Community Relations Coordinator (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

7. Director, Recreation (and MRC, if required) (Due: \_\_\_\_\_) \_\_\_\_\_

Copies To: \_\_\_\_\_

Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ (if approved, fill in below)

Insurance: minimum \_\_\_\_\_, waiver \_\_\_\_\_, higher - \$ \_\_\_\_\_ / \_\_\_\_\_ BI + \$ \_\_\_\_\_ PD

Performance Bond: \$ \_\_\_\_\_, stipulation \_\_\_\_\_

Other: \_\_\_\_\_

Evaluation by: \_\_\_\_\_ Return to Permit Coordinator by: \_\_\_\_\_

060-P 7.1.2  
Page 14

SEATTLE DEPARTMENT OF PARKS AND RECREATION

Appendix 8.3

U S E P E R M I T

No. \_\_\_\_\_

The City of Seattle, acting through its Department of Parks and Recreation (called the "Department") hereby grants:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

(called the "User") permission to use the following park property:

(called the "premises") for the following purpose(s):

as described in the User's application, as approved, for the following

dates: from \_\_\_\_\_ to \_\_\_\_\_

times: from \_\_\_\_\_ to \_\_\_\_\_

upon the twelve general terms and conditions and any supplemental provisions below.

GENERAL TERMS AND CONDITIONS

1. **Laws and Rules:** The User will comply with all State laws, City ordinances, regulations of the Superintendent of Parks and Recreation applicable to activities in City parks, and any lawful order of a Departmental representative made to prevent injury or damage. No lewd conduct or gambling devices are permitted on the premises.
2. **Condition of Premises:** The User accepts the premises upon entry into possession. The User may inspect the premises at an earlier, mutually convenient time. Upon expiration or termination of the Permit or an earlier revocation, the User will promptly return the premises in as good a condition as received, in a clean appearance, ready for use by another.

3. **Approval Required:** Each of the following requires advance written approval of the Department unless authorized by the supplemental provisions: the sale of food, beverages, goods or merchandise; charging admission or fees for service; any alteration or painting of any Department structure; any construction on the premises; use of any sound amplification; and any sale or distribution of liquor. All are subject to terms and conditions which the Department may set.
4. **Payments:** The User will pay to the City a fee equal to ten percent (10%) of the gross receipts from any admission or service charges and from all sales. The User will reimburse the Department for the cost of providing the following additional services:
  5. **Responsibility:** The User assumes responsibility for all activities conducted, including but not limited to supervision and control to prevent injury or damage; maintenance of the premises during the use; picking-up bottles, debris, and refuse; and providing security to maintain order.
  6. **Deposit/Bond:** The User will provide a cash deposit or performance bond in the amount of \$ \_\_\_\_\_. Charges may be made against the deposit or bond for any unpaid fees and charges, for clean-up expenses caused to the City or repairing damages, and/or, where applicable, for any fines imposed under the City's Noise Control Ordinance, Seattle Municipal Code (SMC) 25.08. The deposit will be returned and/or the bond released upon full compliance with this Permit and applicable ordinances
  7. **Indemnity:** The User will indemnify and hold the City harmless from any and all liability arising out of any and all claims, losses, or lawsuits, which may arise directly or indirectly out of or be suffered by any person including any death, injury or disability and/or property damage during, as a result of, or in connection with any activity, action or omission of the User on or about the premises.
  8. **Insurance:** The User will provide the City, at least ten days prior to the scheduled use, with comprehensive general liability insurance (including but not limited to premises/operations, products and contractual liability coverage), and if a motor vehicle is used, automobile liability insurance, with minimum limits of \$500,000 bodily injury and \$100,000 for property damage liability, or a \$500,000 combined single limit bodily injury and property damage. The insurance shall name the City of Seattle as an additional insured and may not be changed, cancelled, or expire without twenty (20) days notice to the City.



060-P 7.1.2  
Page 16

Page 3

9. **Departmental Access:** The Department's authorized representative shall have free access to the premises at any and all times. The Department may make such repairs or alterations to the premises during the use period as long as the same does not interfere with the use of the premises for the activity planned.
10. **Cancellation, Relocation:** The Department may, without liability, upon giving as much advance notice to the User as practical, cancel or terminate this Permit or relocate a scheduled use to a nearby available location if the premises are closed for repairs, necessary utilities or services cannot be supplied or a supervening order of a governmental officer or agency makes it necessary.
11. **Revocation:** The Department may revoke a permit and/or stop a use in progress if the User fails to comply with any State laws, City ordinances, including Seattle Municipal Code 25.08.520, the rules and regulations of the Superintendent of Parks and Recreation, the terms of this permit or an approval required under Section 3; the User fails to secure a necessary permit; and/or, after a warning, the User disregards a lawful order of an authorized representative of the Department or engages in activities that may cause injury to the public or damage to the premises.
12. **No assignment:** This permit and the permission granted may not be assigned nor the premises sublet without the prior written consent of the Department.
13. **Supplemental provisions:**

In witness of their agreement, the User and the City have executed this Use Permit this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

User:

The City of Seattle  
Department of Parks and Recreation  
by \_\_\_\_\_

Superintendent

## Appendix 8.4

Seattle Department of Parks and Recreation

060-P 7.1.2

Page 17

## SPECIAL EVENT EVALUATION AND PERFORMANCE BOND REFUND

Permit No.: \_\_\_\_\_

Return to Permit Coordinator by: \_\_\_\_\_

## EVALUATION

Evaluator: \_\_\_\_\_

1. Description of event: \_\_\_\_\_

\_\_\_\_\_

2. Positive and/or negative impact: \_\_\_\_\_

\_\_\_\_\_

3. Recommendations: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## PERFORMANCE BOND REFUND

For \_\_\_\_\_, evaluator, and Director of Recreation:

1. \_\_\_\_\_ Refund balance of performance bond after deducting any required concession fee--all other stipulations fulfilled.

2. \_\_\_\_\_ Charge \$ \_\_\_\_\_ against the performance bond for the following violations of the stipulations on page 3 of the permit: \_\_\_\_\_

Evaluator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Dir. Rec. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For the Permit Coordinator:

3. Performance bond - - - - - \$ \_\_\_\_\_

4. Deduct for: violations - - - - - \$ \_\_\_\_\_  
concession fee - - - - - + \$ \_\_\_\_\_ → \$ \_\_\_\_\_

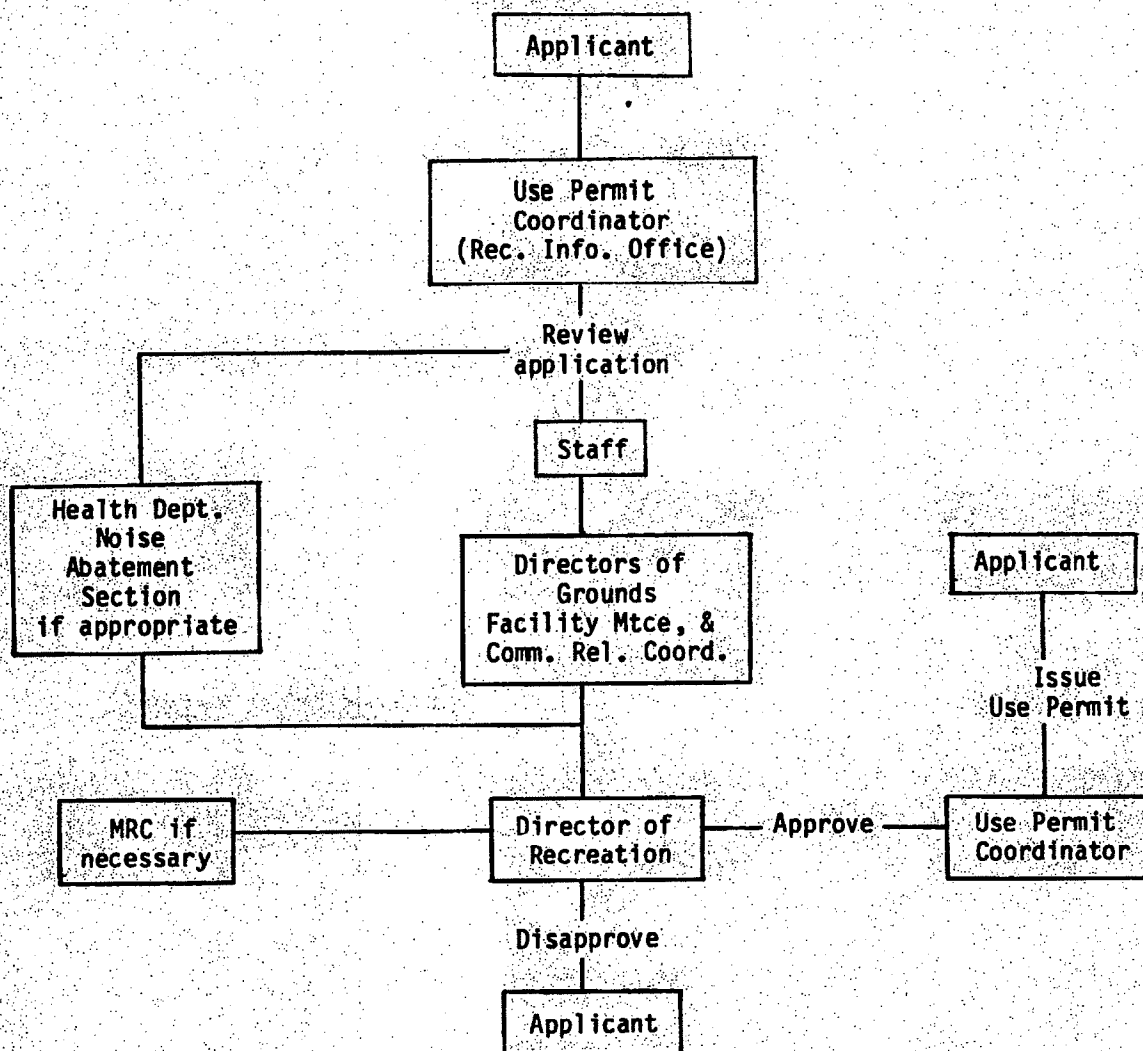
If item 4 exceeds item 3, charge sponsor - - - - - \$ \_\_\_\_\_

If item 4 is less than item 3, refund - - - - - \$ \_\_\_\_\_

060-P 7.1.2  
Page 18

Appendix 8.5

USE PERMIT FLOW CHART



## HOW TO APPLY FOR A USE PERMIT

This booklet is designed to help you get a use permit by telling you where to apply, what our procedures and requirements are, and how you may appeal if you are dissatisfied.

USE PERMITS

Use permits are needed to reserve a playing field, a facility, hall or room in a community center, a stage or performing arts area, or to use a park for a gathering of a large number of people. Use permits allow park officials to schedule events to prevent conflicts, to make necessary preparations (e.g. heating, lighting, etc.), to provide personnel and facilities if needed (e.g. garbage cans, lavatories), and to avoid overuse. (e.g. turf often needs watering and an interval to recuperate after heavy use.)

Use permits are granted on an application basis. To apply for all outdoor facilities, the Lawn Bowling Clubhouse, and the public area of Pier 57, write, call or visit the Recreation Information Office at this address: 5201 Green Lake Way North, Seattle, WA 98103, telephone 625-4668.

Reservations for recreation rooms or buildings are made through the Senior Facility Supervisor at the desired site during regular operating hours.

APPLICATION

An application form is attached. The form is self-explanatory. It should be completed in detail. Answers to all the questions should give a full description of what activities are planned, when the facilities are needed, and the number of people expected. Additional pages may be added if needed. Wherever a "Yes" answer is given on the checklist (Question 8(a)-(1)), an explanation should be supplied. It is very important to date and sign the application. An unsigned application will be returned; an incomplete form may cause delays. Please keep the gold copy of the application for your records.

Applications for Use Permits should be made at least two months before the requested date. Applications will be accepted with less advance notice on the understanding that a permit may have to be denied, because the Department of Parks and Recreation lacks enough time to route the request or make appropriate preparations. \*

\* With less than six (6) days, a \$50.00 late fee is required in addition to any other fees.

FEE

All permit applications must be accompanied by a ten dollar (\$10.00) application fee. The fee pays for processing the application--checking whether the time is available, asking department personnel if advance preparation is needed and alerting them, reserving the use on facility calendars, and coordinating with you and, if needed, with other City departments. If a requested time or place is already taken, an alternative site may be recommended. The fee will be returned if the application is denied.

If an admission fee will be charged or food or merchandise sold, the City charges a use fee of 10% of the gross receipts. Any commercial or promotional use requires a minimum fee of one hundred dollars (\$100.00).

## Appendix 8.6

060-P 7.1.2  
Page 19

Some concessionaires (e.g. a food stand, popcorn wagon, or ice cream cart) have exclusive privileges to sell food for a fee inside a park. The Recreation Information Office will tell you about them when this is the case. Concessionaires' contract rights have to be respected.

The percentage of gross receipts does not apply to a bona fide donation or collection made at a religious or political gathering. The fee applies to sales at a fixed price for buttons, literature, or food, for example.

In a contribution, the donor alone determines what will be given and receives nothing in exchange; in a sale, the seller or the seller and the buyer set the price, and the rule is: no money, no merchandise.

Insurance, a performance bond, and special approvals may be needed in addition to the above fees.

INSURANCE

The City requires that a user provide the City with liability insurance coverage extending over the term of the permit unless the proposed event is a religious or political activity protected by the First Amendment to the United States Constitution. The liability insurance must be evidenced by a certificate or policy of insurance. The insurance should meet these requirements:

- a) It should contain Comprehensive General Liability coverage, and if a motor vehicle will be used, Automobile Liability. The Comprehensive General Liability coverage includes (but is not limited to) coverages sometimes called "Premises/Operations Liability (M&C); Products and Completed Operations Liability; and Contractual Liability." The Automobile Liability should include coverage for owned, nonowned, leased or hired vehicles;
- b) It should have at least coverage up to either of the following amounts ("minimum limits"):
  - \* \$500,000 Bodily Injury Liability and
  - \$100,000 Property Damage Liability
  - or
  - \* \$500,000 Combined Single Limit, Bodily Injury and Property Damage;
- c) It should name the City of Seattle as an additional insured and promise the City twenty (20) days advance notice of any change or cancellation. This wording on the certificate is recommended:
  - "1. The City of Seattle shall be named an additional insured, under the above-numbered insurance policy as respects the Park Use Permit issued by the City of Seattle."
  - "2. The City of Seattle shall be given twenty (20) days notice of any change, cancellation, expiration or renewal of the policy."

It may appear as a "rider" to the certificate; and
- d) The policy period should include the dates of the planned event.



060-P 7.1.2  
Page 20

Some applicants present a Certificate of Insurance form identified as "Acord" in the insurance trade. Unless the applicant's insurance policy has a "rider" with the language in subsection (c) in the preceding paragraph, these two changes need to be made in the "Acord" form of certificate:

1. The following wording at the top of the form should be deleted in its entirety:  
"This certificate is issued as a matter of information only and confers no rights upon the certificate holder."
2. This wording, which now appears at the bottom of the form: -

"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail \_\_\_\_\_ days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company." This should be changed to read as follows:

"Should any of the above described policies be cancelled or reduced as to coverage before the expiration date thereof, the issuing company will mail twenty (20) days written notice to the below named certificate holder/City of Seattle as an additional insured."

Both changes should be initialed by the insurance agent.

In order to accommodate constitutional rights to assemble peaceably for political and religious purposes, no insurance is required for gatherings (such as rallies, demonstrations, and outdoor religious services) purely for political or religious expression. Liability insurance may be required in connection with a political or religious event when the proposed activity presents a significant risk of injury.

For example, food may be sold or it may be served in quantity; the audience may engage in athletics, group exercises, or activity with physical contact as part of the program; booths may be built or carnival activities may be provided to raise funds; equipment with cords and wires may be brought in; or an attraction may involve a publicity stunt, or circus animals or hot air balloon launching. In all these cases, insurance would be required to cover those activities involving a significant risk of injury.

#### BOND OR DEPOSIT

A performance bond is a written guarantee from a bonding company or approved surety agreeing to make payment to the City up to a set amount if a named party does not fully comply with a Park Use Permit. A cash deposit is a payment made to the City and held in trust for performance or payment of certain charges such as an escrow account or a damage deposit given by tenants to landlords. A performance bond is released if the terms and conditions of a permit are fully performed and a cash deposit is returned by check from the City Comptroller's Office. If a permit is not performed fully, expenses incurred or damages sustained may be charged against the bond.

The City requires a performance bond or cash deposit in these situations:

- a) When admission is charged to an event or food or products are sold, in order that the City may be assured of collecting the percentage of gross receipts charged;

- b) When the event presents a risk of damage to City property, in order that the City may be assured that repairs will be made or the City reimbursed its cost;
- c) When the event appears likely to cause the City unusual clean up or restoration expenses, in order that the City can cover its probable out-of-pocket costs;
- d) When the City's Noise Control Ordinance, Seattle Municipal Code (SMC) 25.08, applies in order to comply with its terms and conditions, particularly Section 520E; and
- e) When special services are provided, or extra expenses are anticipated, and the Superintendent of Parks and Recreation determines that a performance bond is necessary to fully protect the City.

The bond or cash deposit is set in an amount which would make the City whole if the terms and conditions of the use permit were not fully performed, and where applicable, in accordance with SMC 25.08.520E.

#### APPROVALS

All concerts and/or musical events (whether amplified or not) are processed through the Performing and Visual Arts Manager at this address: 100 Dexter Avenue North, Seattle, WA 98109. Contacting the coordinator may be helpful if the applicant anticipates using amplified equipment outdoors or wants assistance.

SMC 25.08.520A makes it unlawful for any person to cause or allow sound from an officially sanctioned outdoor musical event originating in a park to exceed an "L eq" of 95 dB (A) for one minute as measured 50 feet from the source. An "L eq" is defined as "The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound." An authorized Park Department official, Health Department official or a police officer may stop any outdoor musical event as a public nuisance if the decibel level exceeds 105 dB(A) for a total of five minutes in any thirty minute period as measured 50 feet from the source.

Unless the likelihood of violating the Noise Control Ordinance is remote, the City will require a bond or cash deposit in an amount up to five hundred dollars (\$500) for an outdoor musical event where noise will be produced without amplification, and in an amount up to one thousand dollars (\$1,000) where amplified sound will be used. The factors used to consider when determining the amount of the deposit include, among other factors: past performance, amplification, number and type of musical instruments, location of event and number of participants. The bond or cash deposit is security for payment of any fines imposed for violating the ordinance. A copy of the Noise Control Ordinance will be supplied upon request.

It is an applicant's duty to secure all necessary City permits.

The Seattle Building Code applies to construction on park property. It may require a permit for activities at or in preparation for an event, e.g. building a stage over one foot in height, constructing a booth for sales or displays, erecting a large tent. Where a Building Permit may be required, no use permit will be issued unless the building permit has been secured or the Department of Construction and Land Use has indicated that none will be needed.

When receiving oral advice, record the name of the City official rendering it: oral responses may need to be verified.

The Department of Parks and Recreation reserves the right to regulate the pricing of goods and services sold to the public. Prices of food, products, or services and admission charges should be discussed with the Recreation Information Office when making an application. No liquor may be sold or handled except in certain indoor facilities with a valid state liquor license after special permission is given by the Superintendent.

A City business license under SMC 5.44 may be required if the applicant engages in business activities subject to the City's business and occupation tax. A certificate of registration may be needed under the Admission Tax Ordinance (SMC 5.40) in order to charge admissions. A business license or certificate of registration when required, may be secured from the Department of License and Consumer Affairs, 102 Seattle Municipal Building, 600 - 4th Avenue, Seattle, Washington 98104.

SMC 10.10 requires permits for food establishments and food handlers, including those in City parks. These permits may be secured from the Seattle-King County Health Department. If these permits are not obtained, a health officer may stop the sale or distribution of food.

Sometimes, an activity may need staff services from park personnel in operating equipment, in providing instruction, or in making special site preparation. (e.g. special lighting, locating chemical toilets or a dumpster, providing additional garbage cans, etc.) At other times, police services may be helpful for crowd control or traffic direction. There may be an additional fee for such departmental staff services; the Police Department determines fees for its services. The Recreation Information Office will supply information and assistance to an applicant in arranging for them.

#### APPEALS

If an applicant is dissatisfied with the decision by department officials on an application, the applicant may appeal to the Director of Recreation, 210 Municipal Building, Seattle, WA 98104, Phone 625-4008. The appeal should contain the following information:

- A) A precise identification of the application;
- B) A statement of the action or omission causing concern;
- C) The action requested by the applicant and the reasons supporting it, e.g. why the action is unfair or a hardship; impacts of the decision of departmental personnel that the Director of Recreation might not otherwise know, etc.
- D) Whether an opportunity to speak with the Director or a hearing is requested, and if so, an address or telephone number where you may be contacted; and
- E) If a decision is urgently needed, an indication when a decision needs to be made.

The appeal will be considered within a reasonable time--within 48 hours if the appeal raises issues of constitutional rights and requires immediate attention. If practical, the matter may be resolved by telephone or a personal visit. The Department's decision will be final.

#### SUMMARY

To secure a park use permit, file an application and pay a ten dollar (\$10.00) application fee. Do it early; allow time for processing. An application may need any of the following:

- Public liability insurance in an approved form.
- Performance bond, cash deposit, or noise control bond.
- Special approvals: review by Performing and Visual Arts Manager, building and food establishment and handlers permits, business license or admission tax registration, or additional departmental review and services.

If you have any questions or encounter difficulties, contact the Recreation Information Office. If dissatisfied, there is an appeal to the Director of Recreation, 210 Municipal Building, Seattle, Washington 98104.

The City's park and recreation system is provided for public recreation and enjoyment. If a term or condition causes hardship, confer with the Recreation Information Officer. Perhaps, an adjustment may be made in the activities planned so that department procedures and terms might accommodate your use while adequately protecting the City.

# **EXHIBIT H**



**City of Seattle**  
Seattle Parks and Recreation

December 21, 2011

Chaim Eliyah  
Occupy Seattle  
chaimeliyah@gmail.com

Chaim:

We are happy to accommodate Occupy Seattle under the terms and conditions we previously transmitted to you. We continue to support Occupy Seattle's right to engage in free speech activities at Westlake park as we have in the past.

As you are probably aware, Occupy Seattle first began its protest in Westlake Park on the weekend of October 1, 2011, when several tents were erected in violation of City law (which prohibits camping in all City parks except Camp Long). The following Monday, the City offered to allow protesters to camp in the City Hall Plaza where a protest camp against homelessness had previously been allowed. However, the tents and campers remained in Westlake Park while another permit holder, Target, conducted a permitted event while accommodating the protests on Wednesday, October 5, 2011 (Target provided portable toilets for the campers' use).

On Thursday, October 6, 2011, the campers were ordered by the Parks Department to remove the tents because they were in violation of law. Most of the campers agreed to remove their tents. A few were arrested for obstructing law enforcement officers after refusing park rangers' requests to dismantle their tents at Westlake Park and being physically uncooperative with Seattle Police Department officers.

Members of Occupy Seattle then began to work with the Parks Department to secure a permit for use of Westlake Park to allow free speech activities. The Parks Department issued a one-week permit to Karrsen Brannon-Young for the period October 12 through 26, with the understanding that it would be renewed on a weekly basis assuming no significant problems or violations of City laws or Park rules occurred. The permit allowed Occupy Seattle to hold rallies, assemblies and protests, and to erect an informational tent at Westlake Park, but did not allow camping. Mr. Brannon-Young paid the \$50 application fee.

On October 13, 2011, the Parks Department was forced to amend the Westlake permit because the informational tent was being used to store camping and other personal articles, which facilitated unpermitted camping in and around the informational tent during closed hours the night before. Mr. Brannon-Young agreed to abide by the new

Christopher Williams, Acting Superintendent  
Seattle Parks and Recreation  
100 Dexter Avenue North  
Seattle, WA 98109-5199

Tel (206) 684-8022  
Fax (206) 233-7023  
TTY(206) 233-1509

christopher.williams@seattle.gov



terms which included no storing of materials in the informational tent other than informational materials and first-aid supplies, and to allow no more than two persons to stay with the tent during closed hours.

Despite Mr. Brannon-Young's assurances, on the night of October 13, 2011, the informational tent was again piled with personal articles and camping equipment, including flammable fuel tanks. Numerous people congregated within and around the tent after park closing hours, despite the condition that only two persons were allowed. On Friday, October 14, 2011 the Parks Department issued a letter to Mr. Brannon-Young informing him that the permit was revoked because of the violations.

However, on October 14, the City issued a permit to allow Occupy Seattle to camp at City Hall Plaza to be renewed from month-to-month. Also, that same day, October 14, 2011, the Parks Department issued a permit to a new applicant, Aliana Bazara, who paid the \$50 application fee, for a protest rally to be held the next day, Saturday, October 15, 2011. As you recall, this was perhaps Occupy Seattle's most successful rally, attracting as many as 3,000 people who rallied and marched in support.

The rally, however, led once again to the erection of more than a hundred tents in Westlake Park the night following the rally, which remained through Sunday night. On Monday morning, October 17, the tents were removed, but again, several arrests were made.

That Monday, October 17, 2011, a new applicant, Gabriel Bell, applied for a permit for Westlake Park. Mr. Bell requested that the permit last through March 30, 2012. Because of Occupy Seattle's past problems involving violations of laws, rules and permit conditions, including unauthorized camping, storage of improper materials in the informational tent, assembly of persons during closed hours, littering, etc., as well as the burdens that would be placed on other park uses (including general public use and other permitted events) the Parks Department did not want to grant a five-month long permit. Other free speech events in which no fees were paid other than the application fee had lasted in duration for no more than two weeks, in the case of the permit for the lighting of the Menorah, which involved considerably less participants and fewer City resources.

As a result, the department successfully negotiated with Mr. Bell, and the parties agreed that the permit would be for a one week period, again with the understanding that if no or minimal problems arose, it would be renewed from week-to-week without having to pay additional application fees.

The permit allowed an informational tent, up to two tables, two portable toilets, up to three hours of amplified sound between the hours of 9:00 am to 10 pm, and allowed for gatherings of up to 300 people.

That week, Occupy Seattle continued to use Westlake Park under the permit for protest activities and General Assemblies. Although no camping occurred, incidents continued

to occur including arrests for assaults. The assemblies included about 150 people and produced two dumpsters worth of trash.

Even so, the Parks Department, on October 21, 2011, issued an addendum to the permit allowing an additional canopy for seminars to be held that coming Sunday, October 23, 2011.

On that day, protesters at Westlake Park made an unpermitted march from the park to the Seattle Police Department's West Precinct. At West Pct. three individuals threw objects at police. No one was hit but 3 people were arrested for assault.

On Monday, October 24, Mr. Bell asked to renew the weekly Westlake permit and made additional requests including an additional vehicle for load in and load out each day, an additional tent for food items and distribution, a tent in the north end from 12pm to 6pm, Sunday through Friday, and access to both water and electricity from 6am to 10pm daily, as well as permission to hold a band concert with amplified sound on Wednesday, October 26. Parks granted the requests.

On the night of Wednesday, October 26, 2011, Occupy Seattle held its concert. However, although the permit provided that noise levels needed to be within the limits specified by Seattle's noise ordinance, police received complaints about the noise from three residents of a nearby condominium. One of the residents had a decibel meter that showed noise levels of 105 db for well over a minute from the front door of his building. The police officer observed windows in the building rattling. Later that night, another unpermitted march took place from Westlake Park to the West Precinct.

Gabriel Bell made a request for another concert event to take place on Friday, from 3 pm to 7 pm. Based on the noise violations that occurred the night before, and the short notice of the request, the Parks Department denied the request.

That night, a City official observed numerous violations at Westlake Park including non-prepackaged food being served in the park; park structures being used for equipment storage, food service, sign making and lounging; unleashed animals running through the park; violations of the noise ordinance, specifically drumming after the residential noise ordinance curfew and after specifically being told it was 10:00 pm and to stop drumming; approximately 20 people remaining in the park overnight past closing hours; littering; violation of the park rule prohibiting smoking within 25' of another person; clogging of the drain to the fountain resulting in a massive overflow of water into the park; banners and signs attached to the structures in the park; an arrest for drinking an open container of beer in the park, followed by a park exclusion for openly urinating in the park.

Despite this, the Parks Department agreed to issue an addendum to Mr. Bell's permit to allow activities including amplified sound on Saturday and Sunday, October 29 and 30. However, because of the past noise problems, the permit allowed amplified sound only until darkness, in consideration of the nearby residents.

On that weekend, (October 29-30), Occupy Seattle began camping at Seattle Central Community College. Activities at Westlake Park diminished significantly. However, the Parks Department continued to issue weekly permits to Mr. Bell, with no additional fees. Additional modifications to the permits included a 36 hour advance notice provision for expanded events.

On November 10, 2011, Mr. Bell indicated that a new applicant, Aliana Bazara would apply for the weekly permit. A permit weekly permit was granted to Ms. Bazara upon payment by her of the \$50 application fee.

Parks also granted a permit for a rally on November 18, 2011,

With the coming of the Thanksgiving weekend, Parks, Occupy Seattle and the Downtown Seattle Association (DSA) worked out an agreement for the mutual use of Westlake Park by Occupy Seattle and the previously permitted holiday carousel. Occupy Seattle was granted permission for use of the south end of the while the carousel occupied its traditional location on the north end. Parks issued its weekly permit to Aliana Bazara on that basis. That permit was effective until December 5, 2011. An additional condition of the weekly permit provided that no amplified sound was permitted, but an application for the use of amplified sound could be submitted two business days prior to the proposed use.

On December 14, 2011, we received your application for a permit pertaining to the long term use by Occupy Seattle of Westlake Park. You have requested a permit that will extend from January 4, 2011 through February 17, 2012.

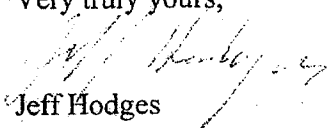
We are confident you will appreciate the concerns that the City has in granting such a long-term permit to Occupy Seattle. Although past applicants have endeavored to comply with past permit terms, the history of Occupy Seattle is rife with incidents of permit violations as well as violations of other City and state laws. The conduct of persons participating in Occupy Seattle permitted events is unpredictable and has resulted in significant costs to the City which must pay for park, police and other services. We have found that it is much more effective for both the City and Occupy Seattle to engage in an ongoing dialogue to plan events and address problems as time goes on and events unfold, by issuing weekly renewable permits. As shown above, Parks has accommodated Occupy Seattle on numerous occasions.

Although you compare your event to the holiday carousel, there are significant differences. The five weeks for which the carousel is permitted is reasonable because of its seasonal nature and the duration of the traditional holiday season. Most importantly, in its more than ten years of operation, the carousel and its patrons have committed no law or permit violations, nor has it received noise complaints from nearby residents.

The Parks Department, as it has done in the past, is happy to grant you a week-long permit under the terms and conditions previously transmitted to you with the understanding that the permit will be renewed without an additional application fee

provided there are no significant violations of the terms of the permit. This is also with the understanding that the Parks Department will, as in the past, work with Occupy Seattle to accommodate to the extent possible any new lawful and reasonable requests that Occupy Seattle may present. The City of Seattle respects Occupy Seattle's and all citizens' rights of free speech and is hopeful that you will continue to work with us.

Very truly yours,

  
Jeff Hodges

